

ROOKER REPORT

November 2002

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Happy Thanksgiving



**Offices Closed
Nov. 28-29**

**See You
on Dec. 2**

School Enrollment, Settling Up Without Court Appearance Key Benefits

METRO BEGINS TESTING MAIL-IN TRAFFIC TICKET PROGRAM

Those trial run envelopes designed to save errant motorists from appearing in court on moving traffic violations made their debut this month.

Before the pilot program is evaluated for possible county-wide adoption next Spring, some 12,000 ticketed drivers will be given the opportunity to either pay their fines or apply for remedial driving classes without taking time out from their daily routines to do the same thing in a downtown courtroom.

In the long run, it is hoped that traffic appearance dockets will be cut in half, freeing up police officers to spend more time in the field and less time prosecuting their cases in court.

Approximately 185,000 moving violations are recorded annually county wide.

For now, only a select number of traffic officers are armed with the envelopes and are providing them supplementary to the standard printed citations. The cited driver can opt to take advantage of the

mail-in feature or challenge the ticket in court on an assigned date.

The mail-in option must be exercised within ten days from the date the citation was received.

The envelope includes a self-contained traffic school enrollment application that covers the various levels of classes available, based on the applicant's driving record. School officials determine if the applicant is eligible for classes and, if so, which of three courses fits their particular situation--a two-hour session for first offenders, a four-hour class for repeat offenders or an eight-hour defensive driving course.

The responding driver must include a check for \$40 to cover the class enrollment fee, along with an additional \$25 check for clerk's fees. Should he or she be declared ineligible for school, the \$25 clerk's fee will be applied toward the amount of the fine.

Those accepted for classes will not have their charges reported to their insurance companies, provided they complete their assigned courses.

BIRTHDAYS

DECEMBER

Traffic Violations

3 Chance Rainey
11 Connie Murff
12 Wayne Elrod
27 Joseph Day
29 Lori Davis
Pat Baxter
31 Don Clunan

Probate Clerk

27 Brenda Osborne
29 Tom Brown

Circuit Court Clerk

1 Kelly Baltz
4 Becky Dye

General Sessions

2 Denise Dill
25 Marie Anderson
31 Jackie Knight

Sessions Mediation Success Continues

The success of the General Sessions Court civil mediation program during its first full year of operation is a good sign for many others unable to hire attorneys or bear the financial burden of pursuing small claims lawsuits.

With 82 percent of participants reaching agreement in private non-courtroom settings, the program administered by the nonprofit Nashville Conflict Resolution Center continued a growing pattern throughout the fiscal period ending in September.

A total of 461 litigants in 167 cases took advantage of the free mediation service during the 12 months as the rate of participation grew steadily from the center's six-month reporting period in March, according to statistics released by program director De'an Bass.

The results were derived from daily courtroom appearances by Bass and other volunteers who verbally offer the service to litigants prior to the daily docket call. That occurred 233 times during the reporting period.

While both sides in a dispute must agree to the mediation, a brief airing of the issues in a private setting normally results in an agreed settlement between the parties, sans the cost of a courtroom trial.

The program currently is administered in only one of the three General Sessions civil courtrooms, but is looking to expand as its volunteer personnel grows.

With the full support of judges, you can expect an announcement to that effect in the near future.

CHEERS...

Deputy General Sessions Clerk **Kim Clary** is beaming with pride over her daughter's great showing in the TSSAA state cheerleading competition at Middle Tennessee State University earlier this month. **Shana Clary**, an eighth grader at Greenbrier Middle School, helped her squad take second place in the state-wide meet. It was the school's first time to reach the state level. Daddy **Johnny Clary** shares Kim's joy...and so do we.

Three Circuit Court law clerks were among those passing the most recent state bar examinations. Hats off to **Kelly Baltz** (Third Circuit Judge **Barbara Haynes**), **Randal Turner** (Eighth Circuit Judge **Carol Soloman**) and **Joshua Offutt** (Sixth Circuit Judge **Tom Brothers**). A total of 150 law students from the Middle Tennessee area successfully completed the exams.

...TEARS

Tragedy struck once again this month for Deputy General Sessions Clerk **Jackie Knight**, whose husband lost his life in a boating accident on Percy Priest Lake in July. On Nov. 12, Jackie's sister **Patricia Ann Lewis** passed away following an extended bout with cancer. She was 55 years old. We share the family's grief.

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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)



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 |

APPEALS

Week of September 30

CIRCUIT COURT

GENERAL SESSIONS

| CASE | TYPE | COURT | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|---------|---------------------|-------|----------|------------|----------|-----------|
| 01C-914 | MEDICAL MALPRACTICE | 8TH | MISTRIAL | | | |

Week of October 7

| CASE | TYPE | COURT | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|----------|-------|---------|------------|----------|-----------|
| 00C-2582 | CONTRACT | 2ND | \$5,655 | | | |

Week of October 28

| CASE | TYPE | COURT | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|---------------|-------|-----------|------------|----------|-----------|
| 99C-1305 | AUTO ACCIDENT | 5TH | \$33,800 | | | |
| 00C-739 | AUTO ACCIDENT | 1ST | \$450,000 | | | |
| 01C-3410 | AUTO ACCIDENT | 8TH | DEFENDANT | | | |

APPEALS

GENERAL SESSIONS

Soft Tissue

| CASE | TYPE | COURT | PRAYER | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|------------------|-------|----------|---------|------------|----------|-----------|
| 01C-257 | AUTO ACCIDENT/ST | 1ST | \$22,000 | \$3,000 | ADMITTED | | |
| 01C-3694 | AUTO ACCIDENT/ST | 6TH | \$20,000 | \$5,587 | | | |

NON-JURY TRIAL RESULTS

NOTE: FOLLOWING CASES WERE ORIGINALLY SCHEDULED FOR JURY TRIALS

Week of October 7

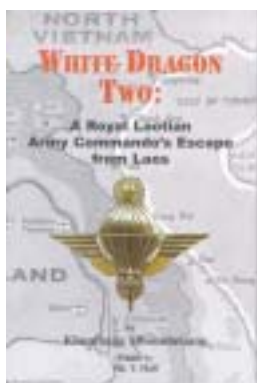
CIRCUIT COURT

GENERAL SESSIONS

| CASE | TYPE | COURT | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|--------------|-------|-----------|------------|----------|-----------|
| 00C-3696 | AUTO-DAMAGES | 8TH* | \$17,000 | | | |
| 01C-3026 | ASSAULT | 3RD | DEFENDANT | | | |

*--DEFENDANT FAILED TO APPEAR.

Publications



It is always refreshing to read published materials of persons we know. And that should provide pleasant fodder for those who have spent a lot of time around the courthouse.

Who hasn't crossed paths or exchanged pleasantries with Khambang Sibounheuang, several years a court official for Circuit Court Judge Hamilton Gayden?

Most are aware of how he escaped from battle-torn Laos during the Communist-controlled Vietnam conflict. It was in all the papers.

Now, a complete first-person accounting of



Khambang

the Laotian Army officer's survival saga is available in paperback. "White Dragon Two" details how Khambang, as a young infantry officer, was involved in the 14-year war, moving through the ranks to command his own infantry company. His thrilling story of attempted escape, evasion and the eventual escape of he and his family is projected by the book's publisher as "one of the epic escape stories of the Vietnam War Era."

The book is relatively short, filling 137 pages splashed with photographs and other illustrations from the era. Not available yet in bookstores, but you can purchase a copy for \$14.95 plus tax by writing: Khambang Sibounheuang, 3306 Olsen Lane, Nashville, TN 37218, or by e-mail--khambang1@yahoo.com.

TRENDS



CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 41
DEFENDANTS 8

RATIO: PLAINTIFFS 5.1-1

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-SEPTEMBER | 12 | 10 | 2 | 7 | 3 | 2 |
| OCTOBER | 5 | 5 | 0 | 4 | 1 | 0 |

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 |
| OCTOBER | 492,397 | 3,000-450,000 | 19,693 |

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 |
| OCTOBER | N/A | N/A | N/A |

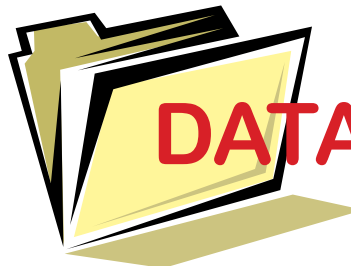
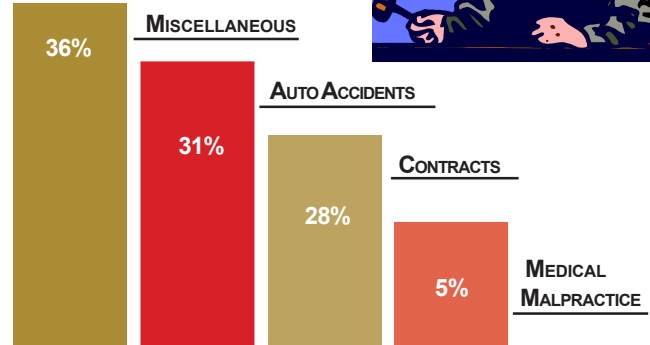
SOFT TISSUE CASES

| MONTH | \$TOTALS | DOLLAR RANGE | \$MEAN |
|-----------|----------|--------------|--------|
| JANUARY | 185,578 | 578-150,000 | 35,000 |
| FEBRUARY | 3,225 | N/A | N/A |
| 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 |
| OCTOBER | 8,587 | 3,000-5,587 | 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 |
| SEPT-OCT | 0 | 0 | 0 | 0 |

CIVIL TRIALS By CLASS



DATA BANK

Statistics compiled for the month of October

CASE INFORMATION

| | Circuit Court |
|-------------------------------|------------------------|
| NEW CIVIL CASES FILED | 294 |
| JURY | 115 |
| NON-JURY | 179 |
| CIVIL CASES CONCLUDED | 277 |
| JURY | 142 |
| NON-JURY | 135 |
| NEW DIVORCE CASES FILED | 216 |
| DIVORCE CASES CONCLUDED | 230 |
| | General Sessions Civil |
| NEW CASES FILED | 3,947 |
| EXECUTIONS ISSUED | 3,402 |
| GARNISHMENT PAYMENTS | 4,107 |
| JUDGMENTS COLLECTED | \$740,717 |
| ORDER OF PROTECTION PETITIONS | 220 |
| | Probate Court |
| NEW CASES FILED | 180 |
| CASES CLOSED | 167 |
| | Traffic Violations |
| MOVING CITATIONS | 26,309 |
| PARKING VIOLATIONS | 7,031 |
| TOTAL FINES COLLECTED | \$363,352 |
| NULLIFICATIONS | 2,250 |
| NULLIFICATION FEES COLLECTED | \$26,994 |

Other Classes

| CONTRACTS | YTD | PLAINTIFFS | DEFENDANTS | NO VERDICT |
|-----------|-----|------------|------------|------------|
| | 48 | 36 | 2 | 10 |

OCTOBER AWARDS: \$5,656- TOTAL AWARDS TO DATE: \$329,009

| MISCELLANEOUS | MALPRACTICE |
|-----------------|--------------|
| 63 | 9 |
| PLAINTIFFS 44.5 | PLAINTIFFS 2 |
| DEFENDANTS 8.5 | DEFENDANTS 6 |
| NO VERDICT 10 | NO VERDICT 1 |