

# ROOKER REPORT

January 2003

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## Celebrating A Landmark

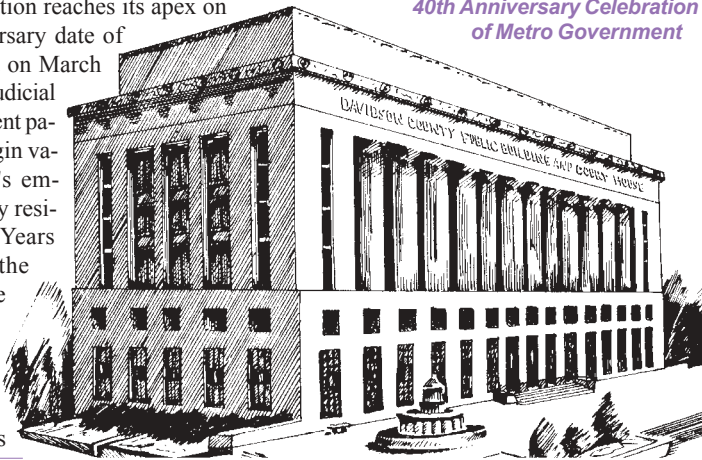
For several weeks, community leaders have been planning a fitting celebration to mark the 66th year of the majestic Metro Courthouse.

With plans now intact, the three-month commemoration not only will bring historical insight to attendees, it will signal the beginning of an internal makeover that will revitalize the architectural masterpiece for generations to come.

When the celebration reaches its apex on the official anniversary date of Metro government on March 30, occupants and judicial and local government patrons will soon begin vacating the temple's embrace for temporary residence elsewhere. Years will pass before the ageless structure will welcome them back.

During the reconstructive period, all judicial operations

SEE COURTHOUSE, PAGE 3



### Celebration Schedule

January 24  
*Second Floor, Metro Council*

February 7  
*Third Floor, General Sessions Courts*

February 21  
*Fourth Floor, Circuit Courts*

March 6  
*Fifth Floor, Chancery Courts*

March 28  
*Sixth Floor, Criminal Courts*

March 30  
*40th Anniversary Celebration  
of Metro Government*

### Year In Review

## Small Claims Show Sharp Rise in 2002

The number of small claims actions rose dramatically during the 2002 calendar year while activity in the civil trial courts tapered downward for the third consecutive year.

With debt collection as the main motivator, creditors kept General Sessions courtrooms at high occupancy rates throughout the year in litigation over debts of \$15,000 and under. Year-end figures reflected that 3,293 more lawsuits were filed than during the previous year.

The number of new small claims filings represented the highest rate of increase in the new century, which had previously shown consistently modest gains. There were 39,082 new cases last year, compared with 35,789 the previous year and 34,244 in the year 2000.

An opposite trend continued at the trial court level where fewer plaintiffs sought remedy in cases of higher dollar value and more complex issues. The drop was considered to be

SEE SMALL CLAIMS, PAGE 2

With this issue, the Rooker Report completes 120 consecutive months in publication. Our anniversary edition next month will kick off the 11th year since the newsletter was introduced in February 1993. Watch for it.

## Justice Was Truly Blind That Day

An electrical problem at the Criminal Justice Center earlier this month gave new meaning to the tenet that "justice is blind."

The entire building, which houses the police department, jail cells and courtrooms, was cast in total darkness on Jan. 6 when a power switch in the main electrical panel malfunctioned, blowing a number of 800 amp fuses.

Because of the nature of the problem, all power to the building, including backup generation, had to be taken off line to effect the necessary repairs.

If anxiety could generate electricity, the building would have become well lighted. But darkness prevailed throughout the day while repair efforts were being carried out--efforts that would not be fulfilled until hours after nightfall.

The most intense darkness appeared to be in the building's two small courtrooms, which have no windows to provide a source of natural light. It was in one of those courtrooms that General Sessions Judge Leon Ruben had the unenviable responsibility of presiding over a 12-page felony jail docket that included two murder cases.

Operating on early information that the power problem could be solved in less than an hour by General Services personnel, Ruben delayed the 9:45 a.m. docket only to learn that outside electricians were being called and that the remedy would take another 2-3 hours.

Unable to stall the court proceedings for that period of time, Ruben ordered his court officers to bring in flashlights so he could read the docket sheet and make an official determination of each case.

Without power, there was no access to computer information used in reviewing defendants' records and other data pertinent to case disposition. Luckily, the population of the jail was under quota on that day and Ruben was able to continue the cases and return the prisoners to their cells.

But the experience was frightening. Ruben would later admit that he was "scared to death" about what could have happened, especially with two alleged capital offenders inside the dark, cramped space.

"We had to bring them into the courtroom to continue their cases," said the veteran judge. "For the first time in my judicial career, I was truly scared."

Things were less intense inside the building's other courtroom where Judge Aaron Holt was less threatened by accused misdemeanor offenders.

Meantime, General Services Director Michael Bradley promised that measures would be taken to prevent a recurrence of the problem.

But Jan. 6, 2003 was the day that gave impetus to the phrase, "let there be light," even if it has to come from D-cell batteries.

And it came to pass.

## BIRTHDAYS

## FEBRUARY

### Circuit Court Clerk

7 Tracy Cartwright  
19 Mickey Brissette  
23 Lori Stratton

### General Sessions

25 Diana Reed

### Traffic Violations

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

### Probate Clerk

26 Patty Jack

# CHEERS...

When General Sessions court officer **Opie Sory** talks, you don't have to turn up the volume to hear him. And lately his booming voice has been spreading the word throughout the courthouse crowd that he is a new, proud grandfather. The object of his pride is granddaughter **Grayson Ruby Boone**, who arrived for Christmas on Dec. 17 at Baptist North Towers, compliments of daughter **Missy** and hubby **Clay Boone**. The new arrival weighed in at 8 pounds, 5 ounces and measured 20 inches from head to toe. Opie and wife **Judy** say she will make a perfect companion for big brother **Jackson**, who is two, going on three. Pictures are available upon request.

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JIM DAVIS

**Jim Davis**, formerly of the Metro Sheriff's Department, has joined the Circuit Court Clerk's technical support staff. Davis, 39, began his new position on Jan. 2. His primary duties will be to assist chief computer technician **Mike Garrett** in maintaining the computer system that services the clerk's four departments and provides internet information on a daily basis. Davis is a 1990 graduate of Middle Tennessee State University where he received his bachelor of science degree in aerospace. Single, he has a 12-year-old daughter, Constance.

The Nashville Bar Association has undergone its annual changing of the guard, elevating attorney **C. Dewese Berry IV** to the presidency and selecting its first minority member as president-elect for 2004. The association's board of directors chose Hispanic **Greg Ramos** for the top leadership role beginning next January. Ramos is a partner in the law firm of **North Ramos Pursell & Jameson**. The NBA has 2,500 members.

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Hats off to those employees who have pledged to donate blood to the upcoming American Red Cross blood drive, scheduled for Friday, January 24 from 9 a.m. to 3 p.m. in the mezzanine on the second floor of the courthouse. More donors are needed, however. Donors should call 862-6151 for an appointment to give.

# ...TEARS

**Judge Henry F. Todd**, who served for 31 years on the Tennessee Court of Appeals until his retirement in 1998, passed away on December 26 of unknown causes. His career as a jurist began in 1946 when he was appointed a General Sessions Court judge in Nashville. He joined the appellate court, hearing trial-court rulings in civil matters, in 1967 on appointment by the late Gov. Buford Ellington. He was a product of the old YMCA Night Law School at the Nashville School of Law. One of his dearest friends was...

Sydney... Circuit Court Clerk **Ma...** untimely  
passed... in-law **Sherry Stephens**... on Dec.  
15... y's husband David, a so... survivors.

# Small Claims Up, Domestic Down

(From Page 1)

only modest and was not unexpected as out-of-court mediation continues to be a popular alternative for dispute settlement.

Only 1,249 plaintiffs requested jury trials during the past year—a slight decrease of 124, which has become about the norm in recent years. The decrease in non-jury cases was even lower (19) and circuit judges kept pace with case loads, bringing conclusion to about the same number of matters as the previous year.

Probate matters continued to increase at a normal pace with 2,130 new filings, compared with 2,001 the previous year.

There was refreshing news on the domestic front once again as divorce actions shrunk in numbers for the third straight year and fewer orders of protection were requested.

Only 2,732 couples filed for dissolution of their marriages, a decline of 195 from the year prior, doubling the decrease since the 2000 reporting period. Conversely, the number of concluded divorces rose by 56 with 2,872 couples being granted divorces.

Problems within relationships were less prominent with 84 fewer protection orders being requested. The courts heard 2,643 orders of protection petitions during the year.

Following a lull in 2001, police officers intensified efforts to bring traffic offenders to justice. As a result, the number of moving violation citations soared to 263,839—almost 80,000 more than the previous year. But motorists parking their vehicles had less hassle as 12,973 fewer citations were written, following an extremely high volume in 2001.

## Case Count Comparison

	2000	2001	2002	CHANGE
<b>CIRCUIT CIVIL FILINGS:</b>				
Jury	1,438	1,373	1,249	-124
Non-Jury	1,683	1,890	1,871	-19
TOTAL	3,121	3,263	3,120	-143
<b>Concluded:</b>				
Jury	2,179	1,974	1,806	-168
Non-Jury	1,348	1,352	1,511	+159
TOTAL	3,527	3,326	3,317	-9
Divorce Filings	3,129	2,927	2,732	-195
Divorce Concluded	3,300	2,816	2,872	+56
<b>PROBATE</b>				
New Filings	1,952	2,001	2,130	+129
Cases Concluded	2,043	3,010	2,135	-875
<b>GENERAL SESSIONS</b>				
New Filings	34,244	35,789	39,082	+3,293
Protection Orders	2,532	2,727	2,643	-84
<b>TRAFFIC</b>				
Moving Violations	224,706	184,437	263,839	+79,402
Parking Tickets	94,528	96,209	83,236	-12,973
Nullifications	18,793	15,227	20,030	+4,803



# JURY TRIAL VERDICTS

## ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
TCPA	TN. CONSUMER PROTECTION	GSA	GENERAL SESSIONS APPEAL
ST	SOFT TISSUE	PUN	PUNITIVE

**Because of the holidays, no jury trials were held in December**

### NON-JURY TRIAL RESULTS

Week of December 2

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-2437	WORKERS COMPENSATION	1ST	DEFENDANT			
02C-698	CONTRACT	8TH	P-\$34,875			
01C-2014	CONTRACT	1ST	P-\$62,592			
02C-656	GSA/CONTRACT	6TH	P-\$1,778		P-\$2,707	DEFENDANT
02C-769	METRO APPEAL	8TH	DDC-4 HOURS		P-\$50	DEFENDANT
02C-1598	GSA/UNSOLICITED FAX	5TH	UNDER ADVISEMENT		P-\$1,062	DEFENDANT
02C-1688	GSA/TCPA	8TH	P-\$4,130		P-\$4,337	DEFENDANT
02C-1595	GSA/CONTRACT	5TH	DISMISSED		DISMISSED	PLAINTIFF
02C-1458	GSA/CONTRACT	1ST	DISMISSED		P-\$1,638	DEFENDANT
00C-3678	AUTO ACCIDENT	8TH	P-\$92,080			
99C-2395	ASSAULT	8TH	DISMISSED			
02C-1687	GSA/CONTRACT	5TH	P-\$1,250+ATTY FEES		P-\$2,836	DEFENDANT
01C-3777	GSA/CONTRACT	1ST	P-\$1,250		P-\$3,000	DEFENDANT

Week of December 9

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-2594	GSA/CONTRACT	5TH	P-\$150		P-\$,2765	DEFENDANT
02C-1616	DAMAGES	5TH	P-\$1,010			
02C-1840	DAMAGES	6TH	P-\$6,524			
02C-1337	COINTRACT	6TH	DEFENDANT			
02C-2376 & 2731	GSA/CONTRACT	1ST	P-\$6,241			

## Celebration Marks Courthouse's Rich History

(From Page 1)

within the building will relocate to venues at the Metro Center while non-judicial tenants will move to other locales.

It will be an April exodus that also will include the relocation of other judicial operations--all in the name of progress.

With a new courthouse annex scheduled to start construction at that time, the Traffic Violations Bureau will leave the Ben West Building to make way for a new alignment of other misplaced offices. The traffic operations will relocate to the Metro Center, as will the General Sessions civil courts and clerk's office, which must vacate the Stahlman Building to accommodate new private ownership.

But the moves are months away and details will be forthcoming closer to that time. The business at hand is the courthouse celebration.

The Metro Historical Commission, along with a Courthouse Commemoration Committee, will feature a staggered presentation that will invite visitors to learn the history of the building on a floor by floor basis.

For example, on Feb. 7 the celebration will be dedicated to the third floor where the General Sessions Courts operated for decades before relocating to accommodate expansion of the circuit courts.

Both current and former judges will be on hand to provide information regarding the creation of the General Sessions courts in the 1930's and to take part in a roundtable discussion about their history in the courthouse.

Similar programs will follow as the celebration winds its way upward through the fourth, fifth and sixth floors which house circuit, chancery and criminal court operations.

**ROOKER REPORT**



ADA coordinator, Gene Baker (880-3309)

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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



## CASE ANALYSES

### AUTO ACCIDENTS

PLAINTIFFS 44  
DEFENDANTS 9

RATIO: PLAINTIFFS 4.8-1

#### 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-NOVEMBER	20	17	3	13	5	2
DECEMBER	1	0	1	1	0	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
NOVEMBER	13,500	N/A	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
OCTOBER	N/A	N/A	N/A
NOVEMBER	5,700	N/A	N/A
DECEMBER	92,080	N/A	N/A

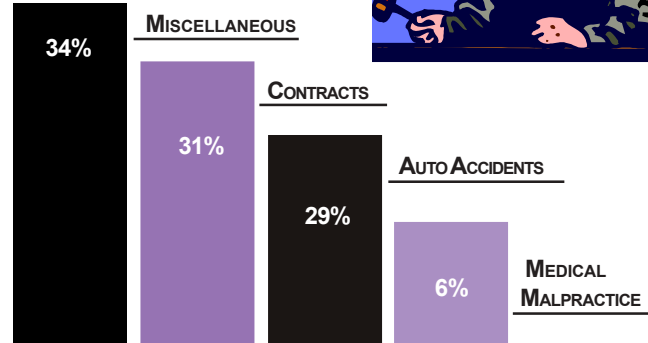
#### SOFT TISSUE CASES

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
NOVEMBER	19,200	5,700-13,500	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-NOV	0	0	0	0

## CIVIL TRIALS By CLASS



## DATA BANK

Statistics compiled for the month of December

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	228
JURY .....	110
NON-JURY .....	118
CIVIL CASES CONCLUDED .....	240
JURY .....	129
NON-JURY .....	111
NEW DIVORCE CASES FILED .....	178
DIVORCE CASES CONCLUDED .....	230

#### General Sessions Civil

NEW CASES FILED .....	3,168
EXECUTIONS ISSUED .....	2,819
GARNISHMENT PAYMENTS .....	3,877
JUDGMENTS COLLECTED .....	\$621,096
ORDER OF PROTECTION PETITIONS .....	237

#### Probate Court

NEW CASES FILED .....	160
CASES CLOSED .....	165

#### Traffic Violations

MOVING CITATIONS .....	21,025
PARKING VIOLATIONS .....	4,603
TOTAL FINES COLLECTED .....	\$254,280
NULLIFICATIONS .....	1,419
NULLIFICATION FEES COLLECTED .....	\$17,025

## Other Classes

CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	62	46	5	11

DECEMBER AWARDS: \$76,261--TOTAL AWARDS TO DATE: \$418,734

MISCELLANEOUS		MALPRACTICE	
69		11	
PLAINTIFFS	53.5	PLAINTIFFS	2
DEFENDANTS	11.5	DEFENDANTS	6
NO VERDICT	16	NO VERDICT	3