

# ROOKER REPORT

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JUDGE FRANK CLEMENT, JR.

## Clement On Appeals Court

Circuit Court Judge Frank Clement Jr. is on his way to the Tennessee Court of Appeals after being appointed by Gov. Phil Bredesen to replace retiring Judge Ben Cantrell.

Clement, 54, will assume his new position on Oct. 1 and will ask voters to retain him in next year's judicial election and, if successful, again in 2006 for a full eight-year term.

Clement, son of the late Gov. Frank

G. Clement and brother of former U.S. Rep. Bob Clement, has presided over the circuit court's probate division since 1995.

"It has been an absolute honor and pleasure to work with some of the greatest people on earth," said Clement of his tenure on the circuit bench. "The new post presents many exciting opportunities but I have mixed emotions. For I hate to leave the wonderful friends I have in Metro and in the trial courts."

Clement's successor on the Seventh Circuit Court will be named by the governor following a screening of applicants.

*Clerk & Master Post Now Vacant*

## Bonnyman, Dinkins New Chancellors



BONNYMAN



DINKINS

Gov. Phil Bredesen this month appointed longtime Clerk and Master Claudia Bonnyman and attorney Richard Dinkins to fill two open spots on the expanded Chancery Court.

The two were selected from a large field of candidates who sought to claim either a newly

created judgeship on the court or to fill an upcoming vacancy brought on by the pending retirement of Chancellor Irvin Kilcrease.

Bonnyman, 54, whose qualifications included 14 years of hands-on experience as Clerk and Master to the courts, was the governor's choice to replace Kilcrease.

Dinkins, best known for his role as leading attorney in a higher education desegregation case against Metro that ended in settlement, will become the court's first fourth division chancellor--a new judgeship created by the General Assembly this year.

Having served as clerk and master since 1989, Bonnyman said, "I am very pleased to get to move down the hall into the chancellor area and start doing all judicial work. I am practiced at it and I will work hard." But, "I will miss being with my staff on a daily basis," she said, adding: "They have been good to me over many years and I respect the work they do for the public and all of us."

See CHANCELLORS, Page 3)



Photo Courtesy of Administrative Office of the Courts

JUDGE MARK FISHBURN (LEFT) AND ATTORNEY MONTE WATKINS (CENTER) ARE SWORN IN BY GOV. PHIL BREDESEN (RIGHT) AS THE COUNTY'S NEW CRIMINAL COURT JUDGES

## Fishburn, Watkins Get Criminal Seats

After five years as a general sessions judge, Mark Fishburn has been elevated to the trial court level, getting Gov. Phil Bredesen's nod for one of two new criminal court judgeships.

The other went to attorney Monte Watkins, a 56-year-old attorney whose 19 years as a solo practitioner has included criminal defense work as well as real estate and probate law.

The two new judges were sworn in earlier this month and have begun their new duties on the expanded criminal court.

Fishburn, 53, who practiced law for 19 years before being elected to the General Sessions Court in 1998, was recently honored by the Mental Health

Association of Middle Tennessee for outstanding service provided by the Davidson County Mental Health Court, which he started in 2000 and presided over until his promotion to the criminal court.

Fishburn's departure from the sessions bench leaves a vacancy that will be filled temporarily by the Metro Council in the near future. A number

See CRIMINAL, Page 3)

## Clerks Now Offer Rutherford Book

In an effort to make it more accessible, the Nashville Bar Association has placed David Rutherford's new book "Bench and Bar II" on sale at all clerk's offices. The 2003 updated version of Nashville's legal history can be purchased over the counter for \$50 (hardback) or \$100 (leather-bound). Previously, the book could only be purchased through the bar association's downtown headquarters, a process the author said proved to be inconvenient. This report will present an overview of the publication in next month's issue.



# CHEERS...

When Nashville attorney **Tee Gorham** and General Sessions Civil Division deputy clerk **Dawn Martin** became husband and wife on Aug. 29, they



MR. AND MRS. TEE GORHAM

made it strictly a family affair. The wedding took place at the home of the groom's mother in Hillwood and the couple's five children by previous marriages performed all the formal roles. The groom's son **Tommy Gorham** was his father's best man while the bride's son **Blake Martin** had the honor of giving away his mother. Maids of honor were **Katlyne Brewer** (hers) and **Alana Johnson** (his) with **Faith Martin** (hers) serving as flower girl. The ceremony was performed by **Mark Sheffield**, who is not a family member

but who is Dawn's co-worker in the clerk's office.

Love gave General Sessions Civil Division bookkeeper **Samantha Welch** and childhood sweetheart **Richard Hutton** a second chance and they made the most of it by repeating wedding vows. The couple first met 22 years ago, two weeks before Samantha's 16th birthday. After dating off and on for seven years, Samantha moved away and got married to someone else. Her marriage ended in divorce three years ago and her romance with Hutton, an employee of Roadway Truck Lines, was rekindled. They became a permanent couple on Aug. 21 during a private ceremony in Centennial Park.



MRS. HUTTON

Kudos to **Viranda Smith** of Pretrial Services, whose creative writing skills earned her a trip to the National Association of Pretrial Services Agencies (NAPSA) conference in Denver next month. Smith was chosen as this year's recipient of the organization's Droege Scholarship for the central region after she submitted a 500-word essay on how attending the conference would benefit both her and the local Pretrial program. The scholarship package includes airfare, accommodations and registration to the Oct. 12-15 conference. And, at the request of the organization's regional directors, Smith will write an article for the NAPSA News about her experience at the conference.

**Krista Mondelli**, daughter of Judge **Mike Mondelli** and a former summer intern with the General Sessions Civil Division clerk's office, is making her presence known at Sewanee College. Earlier this month Krista was named "Player of the Week" in the Southern Collegiate Athletic Conference for her outstanding offensive play in women's soccer.

FYI: **Gene Baker** has retired from fulltime duties in the clerk's office but continues as editor of the Rooker Report. Thanks to the many friends, co-workers and family members who were on hand for the retirement reception on Sept. 4.

## ROOKER REPORT

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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)

## BIRTHDAYS

## OCTOBER

### Circuit Court Clerk

6 Carolyn Davis  
9 Sandy Adams

### Probate Clerk

None

### Traffic Violations

4 Joe Hurt  
9 Kim Soto  
21 David Patterson  
24 Mary Archey  
30 Marvin Cohen  
Susan Grannis

### General Sessions

3 Mark Sheffield  
9 Margaret Larobardiere



**GOING DOWN**--THE WRECKING BALL IS SLOWLY TURNING THE OLD CRIMINAL JUSTICE CENTER PARKING GARAGE INTO RUBBLE TO MAKE WAY FOR A NEW MULTI-LEVEL COURTS BUILDING. THIS PHOTO BY METRO PHOTOGRAPHER GARY LAYDA WAS TAKEN EARLY THIS MONTH FROM THE GAY STREET CONNECTOR.

# ...TEARS



MR. GRISSIM

The legal community is saddened by the recent passing of Nashville attorney **John Mitchell Grissim**, who lost a long battle with Alzheimer's disease at the age of 76. He was a former president of the Nashville Bar Association and had served as attorney for the municipalities of Forest Hills, Oak Hill, Goodlettsville and Berry Hill. His sons **Mitch Grissim** and **Jeff Grissim** are Nashville attorneys and are among five surviving children, his wife, a brother and seven grandchildren.

We grieve the death of the **Rev. Paul Durham**, noted Baptist minister and community leader, who failed to recover from complications of a stroke he suffered during a Sunday sermon. Mr. Durham was 69 at the time of his demise on Sept. 5. In addition to a 31-year ministry at Radnor Baptist Church, he served on the Metro Benefits Board and was a past president of the Metro Traffic and Parking Commission. He is survived by his wife of 50 years, **Nadine Durham**, who served for 10 years as a deputy clerk in the General Sessions Civil Division office; four sons, 11 grandchildren and two great-grandchildren.

Sympathy to deputy Probate clerk **Sandra Trotter** in the recent loss of her grandmother **Maggie Polk Washington** of Springfield, who fell short by only one year of becoming a centurion. Death came on Aug. 27.

Condolences to traffic warrant officer **Joe Hurt** and family in the death of his mother-in-law **Linda Moorehead**, who passed away suddenly on Aug. 8 at her home in Fayetteville. The mother of Joe's wife **Lana Hurt**, she was 63.

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empl... Pub... ertme... a retired  
Adar... Met... ices... Eugene



# JURY TRIAL VERDICTS

## ABBREVIATIONS:

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

### APPEALS

Week of August 11

### CIRCUIT COURT

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-914	MEDICAL MALPRACTICE	8TH	DEFENDANT			
01C-2789	AUTO ACCIDENT	5TH	\$43,053			
01C-2466	SLIP/FALL	1ST	DEFENDANT			
01C-3150	DEFAMATION	2ND	\$65,000			

Week of August 18

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1122	SLIP/FALL	1ST	D-DIRECTED VERDICT			
01C-3361	AUTO ACCIDENT	2ND	\$15,971	P-49, D-51		
03C-807	GSA/CONTRACT	3RD*	NO AWARD	P-50, D-50	DEFENDANT	PLAINTIFF
01C-2575	PERSONAL INJURY	5TH*	UNDER ADVISEMENT			

\*--JURY WAIVED

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1392	AUTO ACCIDENT/ST	1ST	\$50,000	\$8,995	P-20, D-80		
02C-1551	AUTO ACCIDENT/ST	5TH	\$150,000	\$5,000			
02C-1062	AUTO ACCIDENT/ST	1ST	\$25,000	CP-\$3,000			
02C-1212	AUTO ACCIDENT/ST	6TH	NONE	\$36,128			

## THERE WERE NO NON-JURY TRIALS IN AUGUST

### Retired Judge Paul Summers Dies in Phoenix

Retired judge Paul R. Summers, father of Tennessee Attorney General Paul G. Summers, died unexpectedly in a Phoenix, Arizona hospital on Sept. 17.

He was 80.

A native of Somerville where he began his law practice, Judge Summers served as a General Sessions judge in Fayette County for 12 years before becoming a Chancery Court judge. He later was executive secretary for the Tennessee Supreme Court and, in 1977, was appointed to the Tennessee Court of Appeals, from which he retired in 1982.

Following his retirement from the bench, Judge Summers served on the State Board of Education under Gov. Lamar Alexander.

In addition to his attorney general son, Judge Summers leaves behind his wife of 56 years, Peggy Myers Summers, another son, Phillip Mark Summers, and three grandchildren.

### Criminal Judgeships

(From Page 1)

of attorneys are expected to apply for the opening.

The two new criminal judgeships were created by this year's General Assembly to help remedy caseload backup precipitated by a shortage of judges.

Voters will decide in a special election next year if Fishburn and Watkins should retain the judgeships for two years and run for full eight-year terms in 2006.

Fishburn holds a bachelor's degree in science

### Chancellors

(From Page 1)

Bonnyman's appointment becomes effective on Oct. 1, after which she will join fellow chancellors in selecting her replacement as clerk and master.

Bonnyman earned a bachelor's degree in education from the University of Tennessee and a law degree from the Vanderbilt School of Law. She formerly was a partner with Ortale, Kelley, Herbert and Crawford.

Dinkins, 51, has a bachelor's degree in English

business from the University of Tennessee. He received his law degree from the Nashville School of Law.

Watkins, whose legal representation has included serving as a guardian for veterans who are physically or mentally incapable of managing their finances, received both his bachelor's and master's degrees in psychology from Tennessee State University.

He earned a law degree from the North Carolina Central University School of Law.

from Denison University in Granville, Ohio. He, too, holds a law degree from the Vanderbilt School of Law. He has been a partner in Dodson, Parker, Dinkins and Behm and previously was an associate of the late Avon Williams Jr., famed local civil rights lawyer and state senator.

Bonnyman and Dinkins must be ratified by the voters in next year's election. If successful, they will seek full eight-year terms in 2006.



# TRENDS



## CASE ANALYSES

### AUTO ACCIDENTS

PLAINTIFFS 22  
DEFENDANTS 4

RATIO: PLAINTIFFS 6.2-1

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	2	1	3	0	0
FEBRUARY	4	3	1	2	1	1
MARCH	7	6	1	6	0	1
APRIL	3	2	1	3	0	0
MAY	5	2	3	5	0	0
JUNE	4	4	0	2	2	0
JULY	2	2	0	1	1	0
AUGUST	6	6	0	5	1	0

#### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	19,098	9,098-10,000	N/A
FEBRUARY	14,291	2,000-12,291	N/A
MARCH	239,801	2,952-165,382	17,866
APRIL	141,500	16,500-125,000	N/A
MAY	182,762	3,859-178,903	N/A
JUNE	18,384	7,491-10,893	N/A
JULY	1,002	N/A	N/A
AUGUST	112,147	3,000-43,053	16,527

#### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	5,770	N/A	N/A
FEBRUARY	NONE	N/A	N/A
MARCH	800	N/A	N/A
APRIL	13,843	N/A	N/A
MAY	17,530	1,530-14,000	2,000
JUNE	N/A	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	N/A	N/A	N/A

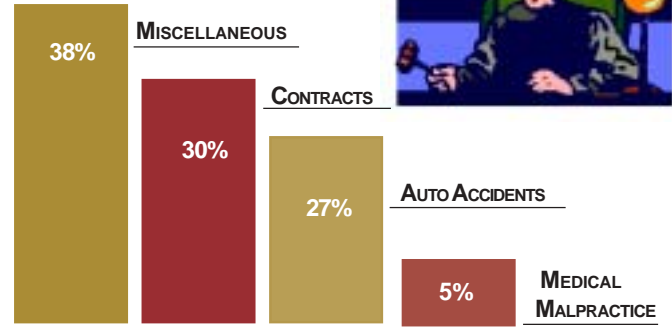
#### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	NONE	N/A	N/A
FEBRUARY	14,291	2,000-12,291	N/A
MARCH	67,597	9,847-26,155	15,797
APRIL	125,000	N/A	N/A
MAY	182,762	3,859-178,903	N/A
JUNE	7,491	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	53,123	3,000-36,128	6,997

#### \*GENERAL SESSIONS APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	24,798	3	0	0
FEBRUARY	NONE	0	0	1
MARCH	3,752	2	0	0
APRIL	13,843	1	0	0
MAY	17,530	3	0	0
JUNE	N/A	3	1	0
JULY	1,002	4	2	0
AUGUST	N/A	N/A	N/A	N/A

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of August

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	255
JURY .....	117
NON-JURY .....	138
CIVIL CASES CONCLUDED .....	223
JURY .....	135
NON-JURY .....	88
NEW DIVORCE CASES FILED .....	217
DIVORCE CASES CONCLUDED .....	273

#### General Sessions Civil

NEW CASES FILED .....	2,909
EXECUTIONS ISSUED .....	3,110
GARNISHMENT PAYMENTS .....	3,400
JUDGMENTS COLLECTED .....	\$535,080
ORDER OF PROTECTION PETITIONS .....	194

#### Probate Court

NEW CASES FILED .....	175
CASES CLOSED .....	212

#### Traffic Violations

MOVING CITATIONS .....	21,413
PARKING VIOLATIONS .....	5,395
TOTAL FINES COLLECTED .....	\$300,488
NULLIFICATIONS .....	2,310
NULLIFICATION FEES COLLECTED .....	\$27,720

## Other Classes



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	39	25	7	7

AUGUST AWARDS: NONE—TOTAL AWARDS TO DATE: \$395,090



#### MISCELLANEOUS

48
PLAINTIFFS 23
DEFENDANTS 14
NO VERDICT 11

#### MALPRACTICE

7
PLAINTIFFS 2
DEFENDANTS 4
NO VERDICT 1

