

# ROOKER REPORT

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## General Sessions, Chancery Positions to be Filled in November

# Brown Seeking Circuit Judgeship

General Sessions Judge John P. Brown has entered the running for a vacancy on the circuit court.

Brown announced this month that he has submitted an application to replace Frank Clement, Jr. as judge of the Seventh Circuit/Probate Court. Clement was appointed earlier by Gov. Phil Bredesen to replace retiring Judge Ben Cantrell on the court of appeals.

Brown said that regardless of whether he gets the governor's nod for the circuit judgeship, he will run for the job in next year's election. "I would rather enter the election campaign as an incumbent," said Brown, "but I will be in the race either way."

Brown is currently serving his third eight-year term as judge of the General Session Court, Division 5, having been first elected to the 11-division court in 1982. He was one of several applicants seeking one of two newly-created judgeships on the state's criminal court. But the governor chose attorney Monte Watkins and General Sessions Judge Mark Fishburn for those posts.

Meanwhile, the Metro Council will decide on Nov. 4 who will replace Fishburn on the General Sessions Court. The choice will be made from a list of 10 applicants who met the Oct. 10 qualifying deadline.

The contenders are:

**Ana L. Escobar Burchwell, Daniel B. Eisenstein, Robert Ray Galbreath, Lawrence H. Hart, Lynda F. Jones, Andrei Ellen Lee, Rosemary Ducklo Sexton, Richard Lewis Tennent, Dianne Turner and Paul J. Walwyn.**



JUDGE BROWN

Yet another appointment to be made is the new Chancery Court Clerk and Master, replacing Claudia Bonnyman, who was appointed by the governor to fill a vacancy on the court created by the retirement of Chancellor Irvin Kilcrease. That vacancy will be filled by the four sitting chancellors, who will interview applicants on Nov. 11.

## Larobardiere Completes Certification

Margaret Larobardiere, chief deputy clerk of the General Sessions Civil Division, has received certification as a public administrator, becoming the ninth staff member under Circuit Court Clerk Richard Rooker to do so.



LAROBARDIERE

Larobardiere, who has headed up the general sessions office for four years, received her certification on Sept. 19

after completing the third level of the University of Tennessee's County Official Training Program at Montgomery Bell State Park.

The program, established in 1967, is a 115-hour course intended to promote effective government by providing educational programs that foster creative leadership, managerial effectiveness, professional skills enhancement and lifelong development. Those completing the course must take an additional 12 hours of training per year to retain their certification.

Larobardiere joins Rooker and seven other deputy clerks from his four departments who have completed the certification program during recent years.

"This is a very vital program that has made a terrific impact on the level of professionalism in our offices," Rooker said. "We will continue to subscribe to the certification program for other key employees in the future."



### An Overview

David Rutherford's  
'Bench and Bar II  
2003'

*"I know of no way  
of judging the future  
but by the past."*

--Patrick Henry

In his updated historical tribute to the Nashville legal profession, attorney/historian David C. Rutherford projects a truism that has withstood the trials of time:

*To see the future, we must look into the window of the past.*

Fortunately, there are people like Rutherford who dedicate their lives to providing that window dressing.

Twenty-two years after first sharing his collection of historical information on the Nashville Bar Association and the legal environs at-large, the now 80-year-old member of the county's second oldest legal family has delivered an expanded version with more than twice the features and as close to being up-to-date as the changing times will allow.

The book is so complete with factual data that it is hard to conceive of it not being included on the shelves of all local law firms. The value of the publication as a reference tool alone far outweighs the \$50 cost. But more than that, the entertainment value is priceless.

Rutherford shares many true stories he has amassed over the years from newspaper ac-

counts of courthouse events that will prove nostalgic for some and downright shocking to others of shorter lineage.

While divulging the book's specific contents might tend to take from its mystique, it is kosher to direct your attention to the interesting accountings of "The Day Nashville Went Bankrupt," "A Man Who Went Where the Action Was," and "Court of First Resort." The latter chronicles an informal underground round table operated for men based near Nashville's "Wall Street of the South," a long-standing coffee watering hole for downtown lawyers.

The 364-page book is chocked full of photographs depicting people and places of various periods of time throughout the bar association's 172-year existence.

To the best of his ability, Rutherford has left no stone unturned in presenting the bar's rich heritage. He provides a chronological listing of each and every judicial court at all levels, complete with the names of judges and their years of service, as well as the clerks who served them. That feature alone is sure to settle a lot of arguments.

SEE BENCH & BAR, PAGE 2

# CHEERS...

Congratulations to former employee **Jan Jorgensen**, who gave birth to a daughter on Oct. 15, about two weeks after her departure from the circuit court clerk's office. Jan and hubby **Mark** named their first born **Emerson Kate**, who weighed 7 pounds, 15 ounces and measured 20 inches in length.

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General Sessions court officer **Ross Barton**, a former deputy clerk in our General Sessions Civil Division office, was among the latest class of law students who passed the Tennessee Bar exams. Barton, currently on the staff of Judge **Gale Robinson**, is a graduate of the Nashville School of Law.

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The once bare walls of the jury general assembly room are now awash with the colors of electrifying art--the works of local painter **Gregory Blann**, who becomes the first to display works at the new MetroCenter location. A wide assortment of applications, themes and canvas sizes are exhibited for visual eye appeal and are priced for purchase according to the artist's appraised value of each work. The pieces enhance a person's week-long jury experience.

# ...TEARS

**Jim Moreland**, 68, father of General Sessions Judge **Casey Moreland**, died Oct. 6 at Skyline Medical Center from complications of a stroke he suffered weeks earlier. He formerly worked as a deputy clerk in the Traffic Warrant Office and had been in the restaurant business. He will be missed.

We are saddened by the passing of **Edwin Lewis**, father of First Circuit Court secretary **Bobbie Eden** and grandfather of **Melissa McKee**, a member of our off-site storage staff. Mr. Lewis, 87, died on Sept. 30 in Waverly where he resided.

Condolences to Traffic Violations Bureau deputy clerk **Dana McGregor** in the loss of her grandmother, **Maggie Green Cooper**, who passed away on Sept. 21 in New Albany, Indiana where she resided. She was 78 and the mother of Dana's biological father **Grady Ashburn**.

Our thoughts are with retired deputy criminal court clerk **Reba McMahan** in the death of her husband **Jesse Eugene McMahan**, who passed away on Oct. 19 at Summit Medical Center. He was 73.

## Replace Outdated General Sessions Forms

Attorneys practicing in the General Sessions Court are being asked to replace old forms with newer ones bearing the new MetroCenter address.

The forms are furnished by the clerk and may be obtained upon request at the General Sessions Civil Division Clerk's Office, 501 Great Circle Road.

Forms bearing the old Stahlman Building address conceivably could cause confusion to litigants if left unchanged.

## ROOKER REPORT

Published by the Davidson County Circuit Court Clerk's Office  
506 Metro Courthouse, Nashville, TN 37201  
Internet @ [www.nashville.gov/circuit](http://www.nashville.gov/circuit)

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

## NOVEMBER

### Circuit Court Clerk

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

### General Sessions

None

### Probate Clerk

- 1 Ruth Lester

### Traffic Violations

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

## Circuit Problem Solved

# Computer Tracks Files 'Borrowed' by Courts

The circuit court clerk's office has implemented a computer tracking system that allows instant location of case files checked out by court personnel.

It is the first time an organized system has been utilized in the office for keeping up with case files routinely requested by the courts for review.

"Until now, we had virtually no efficient system of keeping track of files borrowed by the judges or their employees," said chief deputy clerk Tracy Cartwright. "As a result, we were wasting valuable man-hours trying to locate those files when we needed them."

With the new system, each borrowed case file is entered into a computer program and issued a corresponding bar code that enables office personnel to access information pinpointing the exact whereabouts of the file at a moment's notice. "The computer tells us who has the file and when it was checked out," explained Cartwright. "Then we can retrieve the file immediately and make new case entries or whatever activity that is required."

The same system also keeps a log of all files checked out by each individual court.

## Bench & Bar II

(From Page 1)

As aforementioned, the book's author is a descendant of the second oldest family of attorneys in Nashville. You can find out which family is the oldest from the book.

In gathering factual information for the book, Rutherford tapped numerous sources. He concludes that "it is complete in one sense, but incomplete in many ways." That is the nature of history; it changes with each passing moment. No sooner had this book hit the market than the state legislature created three new trial courts for Davidson County, causing a major shuffle in the judicial makeup and incomplete listings in the book.

Realizing that life's only constant is change, Rutherford encouraged future generations to keep accurate records and to make additions to his work, including pictures, stories and other memorabilia.

"I have only scratched the surface of the interesting things that make up the history of this Bar from 1831 to the present time," Rutherford wrote. "There are many, many other sources for others to continue this work as the years go by."

It should be noted that Rutherford's quest for items of historical value is unrelenting. A few weeks after his latest book was published, he discovered a missing pulpit Bible containing the names of all lawyers who frequented the famous Stahlman Restaurant "roundtable" for more than a half century. He presented it to the bar association library.

The late noted criminal lawyer Jack Norman Sr. said of Rutherford's first book, "It was assembled...not only the...and continuing...courtrooms, but more imp...on about these...those activities have so v...h of us."

It v...repeating.  
The...ased at any clerk's office...ation.



# JURY TRIAL VERDICTS

## ABBREVIATIONS:

<b>P</b>	PLAINTIFF	<b>CP</b>	COUNTER PLAINTIFF
<b>D</b>	DEFENDANT	<b>PPD</b>	PERMANENT PARTIAL DISABILITY
<b>NP</b>	NON-PARTY	<b>GSA</b>	GENERAL SESSIONS APPEAL
<b>ST</b>	SOFT TISSUE	<b>PUN</b>	PUNITIVE

### APPEALS

Week of September 8

### CIRCUIT COURT

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-2901	AUTO ACCIDENT	5TH	\$55,000			
01C-2441	AUTO ACCIDENT	8TH	\$36,052			
02C-1368	AUTO ACCIDENT	6TH	DEFENDANT			

Week of September 15

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1490	GSA/AUTO ACCIDENT	6TH	DEFENDANT		DISMISSED	PLAINTIFF
02C-740	SLIP/FALL	5TH	50/50			
02C-3680	GSA/AUTO ACCIDENT	1ST	DEFENDANT		DEFENDANT	PLAINTIFF

Week of September 29

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-2196	THEFT	2ND	\$1.5 MILLION COMPENSATORY			
03C-1547-48	GSA/AUTO ACCIDENT	5TH	DEFENDANT		P-\$4,000	DEFENDANT
02C-1691	GSA/CONTRACT	8TH	\$31,000		TRANSFERRED	
01C-3447	AUTO ACCIDENT	1ST	\$2,878			
03C-574	GSA/AUTO ACCIDENT	6TH	\$7,658		P-\$10,500	DEFENDANT
03C-575	GSA/AUTO ACCIDENT	6TH	\$1,200		P-\$2,480	DEFENDANT
03C-576	GSA/AUTO ACCIDENT	6TH	\$4,654		P-\$8,854	DEFENDANT

## Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-2392	AUTO ACCIDENT/ST	1ST	\$65,000	\$2,017	(D1-70) (NP-30)		

## NON-JURY TRIAL RESULTS

Week of September 22

### CIRCUIT COURT

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-1198	WORKERS COMPENSATION	6TH	PPD 30%			
03C-891	WORKERS COMPENSATION	8TH	UNDER ADVISEMENT			
02C-3333	DAMAGES	5TH	\$55,000			
00C-2746	AUTO ACCIDENT	8TH	DEFENDANT			
03C-67	GSA/AUTO ACCIDENT	5TH	\$6,010		DISMISSED	PLAINTIFF
02C-2632	GSA/CONTRACT	8TH	\$2,094		P-\$1,000	DEFENDANT
03C-277	GSA/CONTRACT	6TH	\$13,724		DISMISSED	PLAINTIFF

## Criminal Cases in Circuit

CASE	TYPE	COURT	VERDICT
2003-T-138	DUI/CRIMINAL	8TH	GUILTY
2003-T-138	EVADING ARREST	8TH	GUILTY
2003-T-138	RESISTING ARREST	8TH	NOT GUILTY
2003-T-5	DUI/CRIMINAL	8TH	NOT GUILTY
2003-T-5	IMPLIED CONSENT	8TH	GUILTY

## November Holidays

Circuit, General Sessions Civil, Probate and Traffic Violations of-fices will be closed on the following dates in November in observance of holidays:

Tuesday, Nov. 11.....Veterans Day  
 Thursday, Nov. 27.....Thanksgiving  
 Friday, Nov. 28.....Day after Thanksgiving

# TRENDS



## CASE ANALYSES

### AUTO ACCIDENTS

PLAINTIFFS 35  
DEFENDANTS 10

RATIO: PLAINTIFFS 3.5-1

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	14	11	3	11	1	2
APRIL-JUNE	12	8	4	10	2	0
JULY	2	2	0	1	1	0
AUGUST	6	6	0	5	1	0
SEPTEMBER	13	11	2	8	5	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
SEPTEMBER	109,439	1,200-55,000	10,651

#### 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
SEPTEMBER	6,010	N/A	N/A

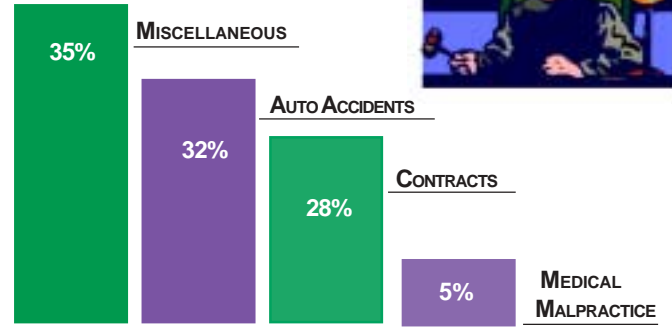
#### SOFT TISSUE CASES

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
SEPTEMBER	2,017	N/A	N/A

#### \*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
SEPTEMBER	19,522	4	3	0

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of September

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	238
JURY .....	90
NON-JURY .....	148
CIVIL CASES CONCLUDED .....	270
JURY .....	144
NON-JURY .....	126
NEW DIVORCE CASES FILED .....	217
DIVORCE CASES CONCLUDED .....	208

#### General Sessions Civil

NEW CASES FILED .....	3,589
EXECUTIONS ISSUED .....	3,398
GARNISHMENT PAYMENTS .....	3,531
JUDGMENTS COLLECTED .....	\$557,340
ORDER OF PROTECTION PETITIONS .....	270

#### Probate Court

NEW CASES FILED .....	154
CASES CLOSED .....	178

#### Traffic Violations

MOVING CITATIONS .....	23,243
PARKING VIOLATIONS .....	5,488
TOTAL FINES COLLECTED .....	\$294,756
NULLIFICATIONS .....	2,168
NULLIFICATION FEES COLLECTED .....	\$26,016

## Other Classes



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	39	25	7	7

SEPTEMBER AWARDS:\$46,818-TOTAL AWARDS TO DATE: \$441,818



#### MISCELLANEOUS

48

PLAINTIFFS	23
DEFENDANTS	14
NO VERDICT	11

#### MALPRACTICE

7

PLAINTIFFS	2
DEFENDANTS	4
NO VERDICT	1

