

ROOKER REPORT

February 2004

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Look Inside

PEOPLE

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General Services Department gets new director

&



Deputy clerk 's poetic expression recognized

Cheers & Tears

VERDICTS

3



The gavel dropped on seven jury trials and 17 non-jury cases in January, kicking off circuit court's calendar year.

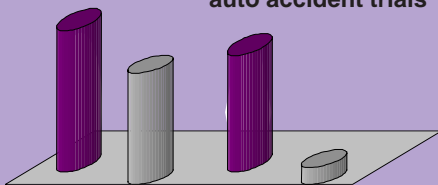
Outcomes of individual cases are summarized.

Includes General Sessions appeals.

TRENDS

4

An analyses of courtroom activity by case classification with emphasis on auto accident trials



Data Bank

Next Month

A look at Judge Casey Moreland's General Sessions Drug Court

A veteran traffic warrant officer takes his service pension

Kennedy Wins Contested Probate Race

Eisenstein Voter's Choice For General Sessions Seat

Nashville attorney Dan Eisenstein claimed victory in the Democratic primary polls in his quest to become the newest General Sessions judge.

Eisenstein, a mental health advocate, defeated three other contenders, including Metro Council appointee Andrei Ellen Lee, whose temporary service will now end in September.

Lee currently is serving as judge of Division II, the seat vacated by Mark Fishburn after he was appointed by the governor to serve on the Criminal Court. Division II presides over the mental health docket for nonviolent offenders with mental illnesses.

Eisenstein, 55, has devoted two decades to helping develop community programs for mentally ill adults.



EISENSTEIN

CONTESTED PRIMARY WINNERS



KENNEDY

He is being challenged for the sessions seat by attorney Neil Flit, who was unopposed in the Republican primary. Voters will pick the winner in the August general election.

In the only other contested judicial race, attorney Randy Kennedy de-

feated fellow lawyer John M. L. Brown to retain the Circuit Court Division VII/Probate seat to which he was appointed by the governor after Judge Frank Clement Jr. was elevated to the court of appeals.

Unopposed winners in the primary included: Claudia Bonnyman, Chancery Court. She will face John J. Hooker in the general election;

Richard Dinkins, Chancery Court, who faces no opposition;

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Pretrial:

Program Returned to Sheriff

Presiding General Sessions Judge Casey Moreland says the recent decision to return administrative control of the county's pretrial release program to the sheriff's department will result in savings for taxpayers while removing a stigma on the courts.

"We felt that there was a conflict of interest in us running the program and then having to deal with the violations," said Moreland, noting that the court reluctantly picked up the program in 1993 after the late Sheriff Fate Thomas, who founded the program, was ousted from office.

Since that time, the court has maintained a staff on a 24-7 basis to assess mostly misdemeanor defendants to determine their eligibility for supervised release. It has been a program that has successfully helped control jail overcrowding, the intent of its origin.

As of Jan. 20, those staff members were merged into the sheriff's personnel roster, bringing the pretrial staff to 22 members. Moreland said it would provide greater benefits to the employees by opening more doors for promotion. "Everybody had reached a dead end because there were no higher positions under our system," the judge said.

Pretrial services will continue to operate under the supervision of Jim Sadler.

Through attrition and other merging personnel factors, Moreland projected continuing savings for taxpayers with the first year expected to reduce expenses by about \$83,000.

CHEERS...

A belated toast to **Phil and Linda York**, who celebrated their 39th wedding anniversary on Jan. 30. Phil is a deputy clerk in the Probate Clerk's office. The couple has two married children, Greg and Kelly.

For those who have been asking...**Suzanne Parker** is home from the hospital after breaking her pelvic bone in a fall. But don't look for her to be on the job in the circuit court clerk's office for at least a couple of months. You are missed, Suzanne.

...TEARS

OSCAR HOFSTETTER JR., prominent Nashville attorney and former state legislator, passed away on Feb. 7 at the age of 89. He was a life member of the Tennessee Bar Foundation and past chairman of the Professional Responsibility and Judicial Standards Commission, among many other associations.

JAMES HENRY WACHTER, 82, a former Madison attorney, passed away on Jan 27. He was a longtime member of the Tennessee Bar Association.

GERTRUDE JACKSON GLASS, 94, great-grandmother of Ryan and Reed Johnson (sons of General Sessions' Janice Johnson) succumbed on Jan. 26.

JOSEPH LEE WILLIAMS, 57, brother of Traffic Violations Bureau administrative assistant Dinah Williams, passed away on Feb. 12 following a struggle with cancer. He was the father of Shannon Williams-Smith, a former deputy clerk in the Traffic Violations Bureau.

Whittemore New General Services Director



Meet Nancy Whittemore, the new director of Metro's General Services Department.

She recently replaced Michael Bradley, who accepted Mayor Bill Purcell's appointment to head up the county's new utility operations.

No newcomer to leadership, Whittemore moves up to the new position after serving as Metro's assistant finance director for two years. Among her previous responsibilities were the offices of

contract review, program accountability review, criminal justice programs and the Tennessee Commission on National Community Services. She now takes on all support services for all of Metro, including building maintenance and operation, radio communications, motor pool services, security services, postal services, photographic services and printing services.

Besides experience, her other qualifications include a bachelor's degree from the University of Tennessee and a graduate degree in Public Administration from Tennessee State University.

MARCH BIRTHDAYS

Circuit Court Clerk
 10 Penny Hubbell
 17 Deanna Alexander
 29 Cheryl Kennedy
 30 Suzanne Wheeler

General Sessions
 9 Hayden Guest

Traffic Violations
 2 Dana McGregor
 7 Denise Bennett
 12 Roy Bohannon
 24 Lisa Jones

Probate Clerk
 21 Kyle Sowell
 24 Tommy King

AD-VANTAGE

A law firm in Ontario, Canada, boasted of its reputation by including the photo at right of an ultra-expensive sports car in an advertisement. The license plate subtly suggests the firm's effectiveness.



Readers, I'm @ Raganetto Associates, Trial Lawyer

SPOTLIGHT

Veronica Edmondson

General Sessions Civil Division



When she was a senior in high school, Veronica's flair for poetic expression gained widespread recognition when one of her works was published in "America at the Millenium...the best poems and poets of the 20th century." Her interpretation of Mother Nature's most colorful season was submitted by her school faculty and published as follows:

FALL

*LEAVES ON THE GROUND OF ALL HUES,
 GRASSY PATCHES PEEKING THROUGH,
 TREES TALL AND BARE WITHOUT
 MANY LEAVES TO DANCE IN THE WIND,
 PATCHES OF GRASS LIGHTER THAN OTHERS.*

*PEOPLE RUSHING TO THEIR
 FALL COLORS IN ORDER
 THE HARVEST IS REALLY
 READY TO BE SOLD,
 AND FARMERS READY TO
 BE ROLLING IN GOLD.*

*NOW WHEN YOU SEE FALL,
 AND KNOW THAT AUTUMN IS QUITE NEAR,
 WINTER IS NOT FAR BEHIND
 SURE YOURSELF THAT SPRING
 WILL FOLLOW AND SUMMER IS AROUND
 THE BEND AND FALL IS HERE AGAIN FALL.
 --VERONICA EDMONDSON*

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)

JANUARY JURY TRIALS

Week of January 12

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1554	GSA/AUTO ACCIDENT	6TH		\$3,254		P-\$9,150	DEFENDANT
02C-3218	AUTO ACCIDENT	6TH		\$1,296			

Week of January 26

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1138	SLIP/FALL	3RD		C/S*			
01C-339	MEDICAL MALPRACTICE	6TH		DEFENDANT			

*--SETTLED DURING JURY DELIBERATIONS.

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT
03C-998	AUTO ACCIDENT/ST	5TH				
02C-354	AUTO ACCIDENT/ST	2ND		\$1,000		

NON-JURY TRIAL RESULTS

Week of December 8

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT
03C-2176	PERSONAL INJURY	3RD	DISMISSED		
03C-2111	GSA/CONTRACT	1ST*	D2-DISMISSED/P1--\$500		P-\$6,055 DEFENDANT
02C-3518	WRIT OF CERTIORARI	5TH	PETITION DENIED		
02C-3653	DAMAGES	3RD	\$94,500		
03C-2175	GSA/AUTO ACCIDENT	6TH	\$18,460		P-\$15,000 DEFENDANT
02C-597	GSA/CONTRACT	2ND	\$17,672		TRANSFERRED
00C-1896	DAMAGES	3RD	\$15,100		
02C-3633	DAMAGES	3RD	\$19,514		
03C-1552	GSA/CONTRACT	3RD	\$8,500		P-\$775 DEFENDANT
03C-2187	GSA/DETAINER	5TH	UNDER ADVISEMENT		P-\$300 DEFENDANT
01C-3434	AUTO ACCIDENT	1ST	\$35,000		
03C-450	WORKERS COMPENSATION	1ST	30% DISABILITY		
03C-655	GSA/DETAINER	1ST	\$8,666		P-\$3,102 DEFENDANT
03C-1944	GSA/CONTRACT	3RD	UNDER ADVISEMENT		P-\$684 DEFENDANT
02C-329	GSA/CONTRACT	5TH	\$2,073		P-\$1,404 DEFENDANT
03C-2393	GSA/AUTO ACCIDENT	7TH	\$6,664		
02C-2211	FRAUD	3RD	\$36,312		

*--HEARD BY MARSH NICHOLS.

Eisenstein, Kennedy Primary Winners

(From Page 1)

Monte Watkins, Criminal Court. No general election opposition, and Mark Fishburn, Criminal Court, who faces no further opposition.

Judicial winners will be sworn in on Sept. 1 and will serve until 2006 when all judgeships are up for an eight-year term.

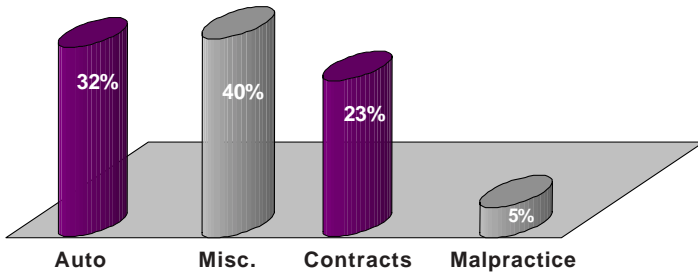
Eisenstein holds a master's degree in special education from George Peabody College, a bachelor's degree from the University of Pennsylvania's Wharton School of Business and Finance and a law degree from Memphis State University.

He and wife Jill are the parents of two adult daughters, Emily and Rachel.

ABBREVIATIONS:

P	PLAINTIFF	C/S	COMPROMISED/SETTLED
D	DEFENDANT	PPD	PERMANENT PARTIAL DISABILITY
TTD	TEMPORARY TOTAL DISABILITY	GSA	GENERAL SESSIONS APPEAL
ST	SOFT TISSUE	PUN	PUNITIVE

CIVIL TRIALS BY CLASS



AUTO ACCIDENTS

2003 Summary

TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NO VERDICT
57	49	11	43	14	3



2004 CASE ANALYSES

PLAINTIFFS 7
DEFENDANTS 0

RATIO: PLAINTIFFS 7-0

MONTH-BY-MONTH

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	7	4	3	7	0	0

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	58,020	1,000-52,500	2,260

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	60,129	6,664-35,000	18,460

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	53,500	1,000-52,500	N/A

GENERAL SESSIONS APPEALS (AUTO CASES ONLY)

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	28,378	3	0	0

CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
5	4	1	0

JANUARY AWARDS--\$28,745

MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
9	6	2	1

MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
1	0	1	0

SCREEN 1

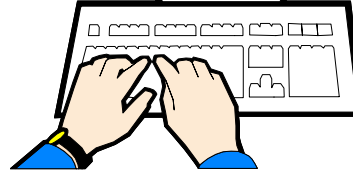
PLEADINGS/ORDERS

Date	when return or signed order is received in clerk's office
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SCREEN 3

SERVICE/RETURNS

Date	actual 'service' date on warrant, alias, subpoena, show cause, etc.
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ACCESSING CASE INFORMATION

SUBSCRIBERS TO OUR INTERNET ACCESS SERVICE "DIAL-A-CASE" AND THOSE WHO USE THE INQUIRY COMPUTER TERMINALS IN THE GENERAL SESSIONS CLERK'S OFFICE ARE CAUTIONED TO QUERY THE CORRECT SCREEN WHEN SEEKING INFORMATION ON TRUE DATES OF SERVICE AND JUDGMENTS. THE ILLUSTRATIONS SHOWN HERE SERVE AS A GUIDE TO GAINING SPECIFIC INFORMATION. FOR EXAMPLE, THE "PLEADINGS/ORDERS" SCREEN PROVIDES DATES WHEN PROCESS WAS RECEIVED BY THE CLERK'S OFFICE. ACTUAL DATE OF SERVICE CAN BE FOUND ON OTHER REFERENCED SCREENS

SCREEN 5

JUDGMENTS

Date	actual date when order/judgment was signed by the judge.
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SCREEN 6

EXECUTIONS
(3) garnishment returns

Date	actual service date on garnishment or levy.
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DATA BANK

Statistics compiled for the month of January

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	250
JURY	95
NON-JURY	155
CIVIL CASES CONCLUDED	284
JURY	156
NON-JURY	128
NEW DIVORCE CASES FILED	195
DIVORCE CASES CONCLUDED	177

General Sessions Civil

NEW CASES FILED	3,286
EXECUTIONS ISSUED	3,371
GARNISHMENT PAYMENTS	3,279
JUDGMENTS COLLECTED	\$554,955
ORDER OF PROTECTION PETITIONS	194

Probate Court

NEW CASES FILED	213
CASES CLOSED	159

Traffic Violations

MOVING CITATIONS	24,373
PARKING VIOLATIONS	6,938
TOTAL FINES COLLECTED	\$304,266
NULLIFICATIONS	2,342
NULLIFICATION FEES COLLECTED	\$28,104