

# ROOKER REPORT

March 2004

Published by the Davidson County Circuit Court Clerk's Office

Vol.12, No. 2

## RETIREMENTS



Photo by Susan Grannis

Wayne Elrod, Wife Norma at Retirement Breakfast

### Traffic Departments Give Sendoffs to Clunan, Elrod

Members of the Traffic Violations Bureau toasted two of their own in recent weeks, sending them off into retirement on full stomachs and best wishes.



DON CLUNAN

Breakfasts were given for warrant officer Don Clunan and bureau deputy clerk Wayne Elrod, who collectively compiled 35 years of service to the bureau. Clunan, 69, ended 26 years of service on April 30, much of which was carried out in the field and performing record searches. Prior to joining the traffic office on Nov. 1, 1977, he served 12 years as a court officer under the late General Sessions Judge Andrew Doyle.

Elrod's term of service was only nine years, but he qualified for a pension when he turned 65 last December.

Elrod's service to the traffic bureau began on May 16, 1995 and ended on March 17.

Circuit Court Clerk Richard Rooker and Traffic Violations Bureau Chief Clerk Bill Cartwright thanked both employees for their years of dedicated service and wished them happy retirements.

"I am grateful to both Don and Wayne for their years of service," said Rooker.

### Moreland Introduces Concept in General Sessions

## Drug Court a Way Out But the Road is Rocky

Drawing on a concept that brought national acclaim at the local criminal court level, the General Sessions Court is making an impact in providing an alternative solution for drug offenders.

Six months after its inception, Judge Casey Moreland's Drug Court has been a ray of hope for two dozen defendants who otherwise would be in jail.

Moreland presides over the special court each Wednesday at 2 p.m. in Courtroom IV of the Ben West Building.

It is then that certain drug abusers who have been arrested for nonviolent offenses are given opportunities to participate in a three-phase supervised rehabilitation program.

But they come of their accord because the program is available only to those who want help for their addictions.

Some find the rules too rigid and opt to serve jail time for their original offenses. Others subject themselves to electronic monitoring, four-times-a-week drug and alcohol testing and

early curfew times while taking classes in anger management, life skills and job readiness.

Moreland said he patterned his version of the program after Criminal Court Judge Seth Norman's Drug Court, which recently was proclaimed as a nationwide model by the Bush administration.

Because Moreland's court is just getting off the ground, it lacks many of the features afforded the higher court's version. But the goal is the same.

From the ground up, the drug court functions on volunteer input from representatives of the court, the district attorney general, police department, sheriff's department and the Tennessee Christian Medical Center.

Collectively, they make up what Moreland calls a "drug team" that performs the many functions necessary to making the program work.

Those functions include everything from pre-screening defendants to drug and alcohol test-

SEE DRUG COURT, PAGE 4

### More Daylight on the Way



Just a reminder that Daylight Saving Time begins on Sunday, April 4. Clocks should be set forward one hour at bedtime the night before. You will lose an hour's sleep that night but will gain it back in October when Central Standard Time returns.

### Former Sessions Judge Phil Sadler Dies

An apparent heart attack has taken the life of former General Sessions Judge Phil Sadler.

Judge Sadler, whose service on the bench was complemented by three consecutive two-year terms as a member of the Metro Council, was found dead at his home on March 5.

He was 75 years old.

Judge Sadler was elected to the court's Division II in 1990 and served a full eight-year term before losing a bid for re-election in 1998.

Since that time he had been in bad health, suffering from a muscle disease, according to a family spokesperson.

His background also included terms as city manager, city recorder and justice of the peace for the city of Lakewood and chairman of the board of Goodpasture Christian School.

Survivors include his wife of 48 years, Bertha Sadler, daughter Ellen Thomas and sons Phil Sadler Jr. and Schley Sadler.



JUDGE PHIL SADLER

## CHEERS...



SARVER

Wedding bells this month climaxed a seven-year courtship between **Ronald Sarver** and high school sweetheart **Stacey Lynn DeVries**. The couple, who have been an item since their junior year, became man and wife during March 13 ceremonies at Hillsboro Church of Christ. She is an elementary school teacher and he is a cashier with the Traffic Violations Bureau.

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Welcome back to deputy circuit clerk **Suzanne Parker**, who returned to work on March 8 after recovering from a broken pelvic bone she suffered in a fall.

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Editor **Gene Baker** is a great-grandfather for the fourth time following the March 23 arrival of **Samuel Lance Garrett** at Hendersonville Hospital. The newest son of granddaughter **Cari Garrett** and husband **Jimmy Garrett** weighed in at an even eight pounds and measured 20.25 inches. Among those in attendance for the big event were both sets of grandparents, **Lance and Paula Kingsbury** and **James and Judy Garrett**.

## ...TEARS

**DAVID E. STEPHENS, SR., 59**, father-in-law of circuit bookkeeper Mary Stephens, passed away on Feb. 29. He was a retired lieutenant from the Metro Police Department where he served for 35 years.

**BESSIE EDMONDSON, 76**, grandmother of General Sessions Civil Division deputy clerk Veronica Edmondson, departed on Feb. 19 from heart failure.

**JOSEPH BALLETO**, father of deputy circuit court clerk Glenn Balletto, passed away on March 4 in Worth, Illinois where he resided. Services were held there on March 8.

**ANN CHAPMAN, 61**, who made Nashville a more beautiful place to live as administrator of the Metro Beautification and Environmental Commission, succumbed to a 10-year fight with cancer on March 7, three years after her retirement. Her dedicated service to the public spanned 28 years.

**OLA PRESSLEY, 86**, grandmother of Traffic Violations Bureau's Nick Lane, passed away on March 6 at Skyline Medical Center of natural causes.

**MARLENE WHITE, 70**, grandmother of deputy circuit clerk David Callahan, passed away on March 11 in Birmingham, Alabama.

**HANK MIKLICH, 84**, father of deputy circuit court clerk Anita Carter, passed away March 13 at St. Thomas Hospital where he had undergone surgery eleven days earlier. He was a resident of Lawrenceburg.

## APRIL BIRTHDAYS

### Circuit Court Clerk

- 3 Gene Baker
- 4 Barbara Eddings
- 5 Beverly Rawls  
Kelli Olin
- 6 Cathy Garrett
- 11 Will Cripps  
Candy Finch
- 18 Holly Russell
- 22 Jim Davis
- 23 Mike Garrett

### Traffic Violations

- 4 Stacey Holt
- 19 Jennifer Wilee
- 27 Carl Smith
- 28 Eva McNaney
- General Sessions
- 18 Ryan Hager
- 30 Judy Christopher

### Probate Clerk

None

## Hume-Fogg Wins Mock Trial Title

Kudos to **Hume-Fogg Magnet High School** for its performance in winning the State Mock Trial Championships held at the First Image Building this month. The six-member team beat out **Family Christian Academy** of Chattanooga, which had won two previous state titles. Hume-Fogg students represented the defense in a hypothetical lawsuit between two soccer players.

## Spotlight



**Margaret Larobardiere**  
*Chief Clerk*  
*General Sessions Civil Division*  
*Amateur Photographer*

*When the Nashville Bar Journal needed an illustration for its December 2001 cover story on the constitutionality of a state income tax, Margaret Larobardiere pulled out her trusty camera, added a pinch of creativity and produced the masterful photo above.*

*Rather than simply taking a picture of a bland legal form, Larobardiere added color and pizzazz by attaching a red Christmas bow. And the publication not only had its cover shot, but one of great eye appeal.*

*Not surprising, since Larobardiere is a high quality amateur photographer when she is not taking care of business as chief clerk of the General Sessions Civil Division office.*

## Rooker Report

Published by the Davidson County Circuit Court Clerk's Office  
523 Mainstream Drive, Nashville, TN 37228  
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)

## FEBRUARY JURY TRIALS

### Week of February 2

### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
00C-2341	AUTO ACCIDENT	1ST		\$15,144	

### Week of February 9

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
01C-1443	MEDICAL NEGLIGENCE	1ST	\$5 MILLION	DEFENDANT	
01C-519	CONDEMNATION	6TH		\$44,000	
01C-523	CONDEMNATION	6TH		\$15,000	
02C-1823	INSURANCE CONTRACT	3RD*		DEFENDANT	
99C-3205	MEDICAL MALPRACTICE	5TH		DEFENDANT	

\*--JURY WAIVED

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
02C-1817	AUTO ACCIDENT/ST	6TH		\$1,266	
01C-3043	AUTO ACCIDENT/ST	5TH	\$100,000	\$60,000	(P-10) (D-90)
03C-2554	AUTO ACCIDENT/ST	2ND		50/50	

## NON-JURY TRIAL RESULTS

### Week of February 23

### CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT
02C-2790*	CONTRACT	2ND	\$11,350	
03C-1429	DAMAGES	2ND	\$22,017	
02C-1633	AUTO ACCIDENT	2ND	PENDING	
03C-2328**	AUTO ACCIDENT	6TH	\$6,500	
03C-2943	GSA/CONTRACT	2ND	\$1,000	
03C-1730	METRO APPEAL	2ND	\$50 FINE	
03C-2293	DAMAGES	2ND	\$25,000 PUNITIVE, \$25,000 COMPENSATORY	
02C-3423	DAMAGES	2ND	\$64,803	

\*--HEARD BY MARSH NICHOLS. \*\*--CONSOLIDATED WITH 03C-291.

### APPEALS

### GENERAL SESSIONS

### JUDGMENT

### APPELLANT

### GENERAL SESSIONS

### JUDGMENT

### APPELLANT

## Trial Court Local Rules Due Changes in April

Attorneys who practice in the local trial courts, take note.

Some of the rules governing practice in the circuit, chancery and criminal courts will be a bit different come April 1.

With judges and chancellors of those courts concurring, the following amendments to eight rules were adopted:

1. The title of Rule 5 is amended from Appearance and Conduct of Counsel to Conduct of Counsel and Other Court Participants.

2. A new rule is added as subsection 5.08 and titled Noise Generating Devices. All cell phones or other noise generating devices shall be turned off in court or during the taking of a deposition.

3. Rule 16 on Bonding Companies is amended by deleting the present reference to a web site to [http://www.nashville.gov/trcourt/bond\\_rules.htm](http://www.nashville.gov/trcourt/bond_rules.htm).

4. Rule 26.04 is amended to change the word "served" to "personally served."

5. Rule 26.07 on Special Setting of Motions is amended to add the

following sentence: "A motion to set an expedited hearing shall be accompanied by an attached proposed order."

6. Rule 27.03 on Certifying Cases Ready When Set is amended to add a clause to the last sentence which says "subject to the provisions of T. R. C. P. 16."

7. Rule 33.03 is amended to change "agreed final judgments" to "proposed agreed final judgments."

8. The Code of Professional Responsibility is now the Rules of Professional Conduct and includes the following three amendments:

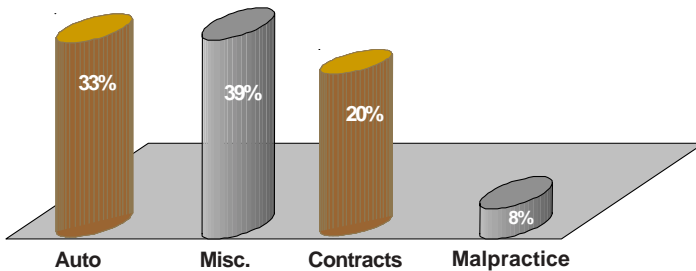
A. Local Rule 5.04 (e) now references DR 7-108 and EC 7-29. These references are amended to Tenn. Sup. Ct. R. 8, RPC 2.5 (c);

B. Local Rule 5.05 now references DR 2-106. This reference is amended to Tenn. Sup. Ct. R. 8, RPC 1.5;

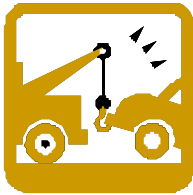
C. Local Rule 5.06 now makes reference to the Code of Professional Responsibility. This reference is amended to read: "Rules of Professional Conduct."

The changes already have been incorporated in the Local Rules for Trial Courts on the Circuit Court website and can be downloaded for printing.

## CIVIL TRIALS BY CLASS



## AUTO ACCIDENTS



### 2004 CASE ANALYSES

PLAINTIFFS 11  
DEFENDANTS 0

RATIO: PLAINTIFFS --11-1

### MONTH-BY-MONTH

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	7	4	3	7	0	0
FEBRUARY	6	4	2	4	0	2

### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	57,050	1,296-52,500	3,254
FEBRUARY	76,410	1,266-60,000	15,144

### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	60,124	6,664-35,000	18,460
FEBRUARY	6,500	N/A	N/A

### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	53,500	1,000-52,500	N/A
FEBRUARY	61,266	1,266-60,000	N/A

### GENERAL SESSIONS AUTO CASE APPEALS

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

### CONTRACTS

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
8 6 2 0

February Awards--\$12,350. Year to Date--\$41,095

### MISCELLANEOUS

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
16 11 4 1

### MEDICAL MALPRACTICE

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
3 0 3 0

## Drug Court

FROM PAGE 1

ing to monitoring their daily activities.

Each defendant accepted into the program must undergo chemical testing four days a week for the duration of the 12-month period it takes to graduate with a clean bill of health.

During that time, they will gradually advance through three phases of court appearance regularity, starting out at once every week, then every other week and finally once a month. As the progression unfolds, curfew hours become less restrictive from the original 7 p.m. deadline.

Because the program has no operating expenses at this point, the cost savings of not having to provide jail space ranged in the thousands of dollars during its first few months of operation.

But future funding will be necessary to improving the quality of the program, says Sheriff Daron Hall, whose department performs 90 percent of the treatment phase.

Future expansion plans include the hiring of a program manager and case workers, plus incorporation of a monitoring system utilizing satellite technology to track a participant's every move while under the court's supervision.

"It's working," said Moreland, noting that those who comply with guidelines are finding instant gratification and developing relationships with their family members and others. But Moreland admits that sometimes he has to "put them in jail for a few days to get their attention."



## DATA BANK

Statistics compiled for the month of February

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	250
JURY .....	101
NON-JURY .....	149
CIVIL CASES CONCLUDED .....	229
JURY .....	131
NON-JURY .....	88
NEW DIVORCE CASES FILED .....	236
DIVORCE CASES CONCLUDED .....	218

#### General Sessions Civil

NEW CASES FILED .....	3,451
EXECUTIONS ISSUED .....	2,998
GARNISHMENT PAYMENTS .....	3,357
JUDGMENTS COLLECTED .....	\$660,581
ORDER OF PROTECTION PETITIONS .....	163

#### Probate Court

NEW CASES FILED .....	186
CASES CLOSED .....	130

#### Traffic Violations

MOVING CITATIONS .....	32,568
PARKING VIOLATIONS .....	8,190
TOTAL FINES COLLECTED .....	\$351,804
NULLIFICATIONS .....	2,294
NULLIFICATION FEES COLLECTED .....	\$27,528