

# ROOKER REPORT

August 2004

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## TRAFFIC JAM



### RECORD TRAFFIC DOCKET BRINGS HUNDREDS TO COURT AT THE SAME TIME

TICKETED MOTORISTS FILL THE HALLWAY OF THE FIRST IMAGE BUILDING AS THEY WAIT TO ENTER TRAFFIC COURT ON AUGUST 18, A DAY THAT MARKED THE LARGEST SINGLE TRAFFIC DOCKET IN THE COUNTY'S HISTORY. MORE THAN 1,200 ERRANT MOTORISTS WERE SCHEDULED FOR THE 9:30 A.M. DOCKET, CREATING PARKING PROBLEMS ON THE OUTSIDE AND OVERCROWDED CONDITIONS ON THE INSIDE. TWO COURTROOMS ACCOMMODATED THE 350-375 OFFENDERS WHO ACTUALLY APPEARED. OTHERS CHOSE TO PAY AHEAD OF THEIR COURT DATE, EITHER BY MAIL OR PERSONAL APPEARANCE. THE MAJORITY OF THOSE WHO CAME TO COURT WERE PLACED IN TRAFFIC SCHOOL CLASSES.



JUDGE MORELAND

### Sessions Keeps Moreland as Presiding Judge

Judge Casey Moreland has accepted a second one-year term as presiding judge over the General Sessions Court.

Moreland's second 12-month period in overseeing the court's business and judicial affairs will begin on Sept. 1.

During his first term, Moreland oversaw the transition of the court's relocation to Metro Center and created a drug court to help rehabilitate nonviolent offenders desirous of changing their lives.

Off the bench, Moreland is a longtime football official at the high school and college levels and a member of the National Football Foundation Hall of Fame. He also coaches youth baseball.



JUDGE EISENSTEIN

### Eisenstein Wins Seat On Court

Dan Eisenstein, a practicing attorney who said he wanted to apply his experience toward helping people with mental illnesses, will realize his wish on September 1 when he officially becomes the county's newest General Sessions judge.

Eisenstein easily defeated attorney Neil Flit in this month's general election to claim the court's Division II seat vacated earlier when Judge Mark Fishburn was appointed to a state criminal court judgeship.

SEE EISENSTEIN, PAGE 2

### Bonnyman Retains Chancery Seat

In this month's only other contested judicial race, voters chose Claudia Bonnyman to retain

a seat on the Chancery Court. She easily defeated perennial candidate John J. Hooker to finish out the term vacated by Chancellor Irvin Kilcrease when he retired.



BONNYMAN

Bonnyman was appointed to the chancery seat by Gov. Phil Bredesen, based partially on her many years of service as the court's clerk and master. She will seek a full eight-year term in the 2006 elections.

## CHEERS...

Athletics play an important role in the formative years of children's lives, helping to build character, sound bodies, good sportsmanship and respect for the abilities of others. Trophies serve as reminders of triumphs for years to come, instilling pride and a hunger to attain even higher life goals. For success in athletics does not come without dedication, hard work and perseverance. And those traits follow our youth off the field and through the curtain into adulthood.

Hats off to the kids who play the sports and to the parents who support them, some of whom are acknowledged here.

**IN GOLF**--**Logan Rooker** took home the spoils in the recent Old Hickory Country Club championships for 8-9 year old players. With father Circuit Court Clerk **Richard Rooker** looking on, Logan toured the five-hole tourney course in even par to beat out his 10 competitors for the division title. Looks like some strong competition ahead for dad.

**IN FAST PITCH SOFTBALL**--Sisters **Mikayla** and **Kelsey Cartwright** (daughters of **Bill** and **Tracy Cartwright**) capped off successful regular season play with state titles and impressive performances in national competition. Mikayla, playing shortstop for the 8-and-under Goodlettsville Storm traveling team, shared the state title in the United Softball Fast Pitch Association and went on to compete at the world series level in Pigeon Forge.

Meanwhile, big sister Kelsey, 13, helped her Nashville Cruisers team capture the state title for players 14 and under. Her team, made up of players from throughout the midstate area, was one of only three Tennessee squads qualifying for a berth in national competition in Midland, Texas. Beset by news of a death in the family of one of the team's players, the Cruisers fared less than expected, losing to a California team that would eventually take second place. That loss came in a 12-inning marathon that lasted three hours and 15 minutes.

**IN BASEBALL**--The Goodlettsville All-Stars took second place in the Dixie Youth League World Series for players 9-10 years old. On that team was second baseman **Matthew Smith**, son of General Sessions court officers **David** and **Julianne Smith**. Smith's team earned a berth in the World Series by going undefeated in state competition and finishing the season with a 16-1 record. Then it was five straight victories before falling 5-1 to Alabama in the series title game. A dozen teams representing 11 states competed in the World Series at Muscle Shoals, Alabama.

## ...TEARS

**MELISSA KAYE MCMILLEN**, 37, a deputy clerk in the Criminal Court Clerk's Office, passed away in her sleep on Aug. 7. She was the daughter of the late James (Jimmy) Wright, a retired General Sessions court officer. Her husband Mark McMillen and son James Karl McMillen survive.

## SEPTEMBER BIRTHDAYS

**Circuit Court Clerk**  
3 Annecia Donigan  
5 Anita Carter  
19 Rob Rutherford  
23 Candy Rucker

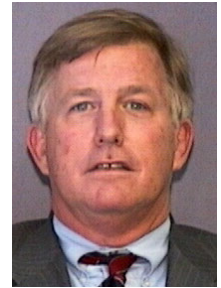
**Probate Clerk**  
18 Bob Bradshaw  
Ricky Deatherage  
23 Sandra Trotter

**General Sessions**  
21 Stephanie Phillips

**Traffic Violations**  
7 Steve Leary  
9 Joey Torrence  
11 Bill Cartwright  
20 Nancy Capps  
21 Tony Eden  
22 Elaine Howell  
24 Amanda George  
27 Leslie Preston  
Don Rosso

## Nelson Picked to Preside Again

# STEVE HOLZAPFEL NEW NIGHT COURT COMMISSIONER



STEVE HOLZAPFEL

Attorney Steve Holzapfel has joined the lineup of night court commissioners for the General Sessions Court.

Holzapfel, 52, began his duties on July 5, following the retirement of longtime commissioner Houston Hagar. He joins Howard Taradash, Carolyn Piphus, Gerald Burkett and Tom Nelson in rounding out the five-member night court, which provides 'round-the-clock service to the criminal justice process.



TOM NELSON

**Nelson was re-elected by fellow commissioners to be presiding judicial commissioner for a second year.**

During the 2003 calendar year, the commissioners issued 42,618 criminal warrants, 31,846 state misdemeanor citations, 5,681 emergency committals, and 2,748 ex parte orders of protection.

Holzapfel, a civil law practitioner, is a 1998 graduate of the Nashville School of Law. He earned a masters degree in business administration from Belmont University after receiving a bachelors degree from St. Louis University in 1973.

He and his wife, the former Sue Metzger, have four daughters and two grandchildren.

Currently, Holzapfel is assigned to the court's second and third shifts.

## Eisenstein Sessions Winner

(From Page 1)

Former juvenile court referee Andrei Lee, on appointment by the Metro Council, had filled the vacancy but was unable to outpoll Eisenstein in the primary election.

During his campaign, Eisenstein, 56, emphasized his desire to help those with mental problems, an area assigned to the court over which he will now preside. Division II's weekly mental health docket addresses possible solutions for mostly nonviolent offenders as alternatives to ordering jail time.

As judge of Division II, Eisenstein also will hear other types of cases under the General Sessions jurisdiction at both civil and criminal levels.

Eisenstein's elected term will expire in 2006 when all judicial offices will be on the ballot.

## 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)**



## JULY JURY TRIALS

Week of July 19

### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
03C-3407	SLIP/FALL	6TH		\$10,797	

### APPEALS

### GENERAL SESSIONS

JUDGMENT APPELLANT

## NON-JURY TRIAL RESULTS

Week of July 12

### CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-590	TRAFFIC APPEAL	1ST	SCHOOL OR FINE		P-\$120 FINE	DEFENDANT
03C-1617	GS/TRANSFER/PROPERTY DAMAGE	1ST	UNDER ADVISEMENT			
03C-1082	WORKER'S COMPENSATION	2ND	\$19,125+TTD BENEFITS			
01C-1827	AUTO ACCIDENT	7TH	DISMISSED			
03C-3574	GSA/CONTRACT	2ND	DEFENDANT		P-\$4,850	DEFENDANT
03C-3501	DAMAGES	3RD	\$2,858			
04C-1098	GS/TRANSFER/MISREPRESENT	1ST	SPLIT (P-RETURN FORKLIFT; D-PAY \$4,800)			
03C-496	DAMAGES	3RD	\$87,600			
04C-64	GSA/CONTRACT	6TH	\$3,000		P-\$4,338	DEFENDANT

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-2295	AUTO ACCIDENT/ST	6TH		\$2,000			

P	PLAINTIFF	GSA	GENERAL SESSIONS APPEAL	C/S	CERTIORARI/SUPERSEDEAS
D	DEFENDANT	TTD	TEMPORARY TOTAL DISABILITY	ST	SOFT TISSUE

## GOING BOTH WAYS

With large cranes and other excavating equipment looming largely on its flank, a scaffold tower continues to rise high into the sky as the first of four stairway towers for the new Beverly Briley Courts Building downtown. When completed, the high-rise structure will house all General Sessions and Criminal Court operations. This photo was taken from Gay Street where excavation work also is underway for the forthcoming underground parking facility at the Metro Courthouse.



## AUTO ACCIDENTS



### 2004 CASE ANALYSES

PLAINTIFFS 19  
DEFENDANTS 6

RATIO: PLAINTIFFS 4-1

### MONTH-BY-MONTH

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JAN-MARCH	16	11	5	12	1	3
APRIL-JUNE	13	12	1	7	5	1
JULY	2	0	2	1	0	1

### 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
MARCH	243,589	0-243,589	N/A
APRIL	46,717	N/A	N/A
MAY	55,250	5,250-50,000	N/A
JUNE	137,071	6,871-102,500	13,850
JULY	N/A	N/A	N/A

### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	60,124	6,664-35,000	18,460
FEBRUARY	6,500	N/A	N/A
MARCH-MAY	N/A	N/A	N/A
JUNE	900	N/A	N/A
JULY	2,000	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
MARCH	243,589	0-243,589	N/A
APRIL	N/A	N/A	N/A
MAY	55,250	5,250-50,000	N/A
JUNE	14,571	6,871-7,700	N/A
JULY	2,000	N/A	N/A

### GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	28,378	3	0	0
MARCH-MAY	0	0	1	0
JULY	0	0	0	0

### CONTRACTS

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
28 19 7 2

July Awards--\$3,000. Year to Date--\$189,077

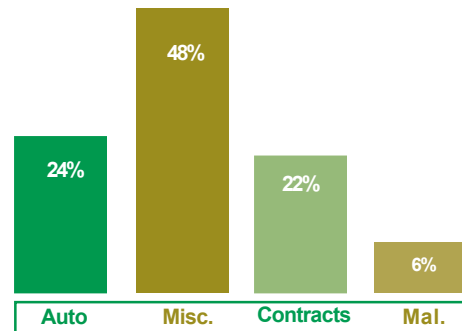
### MISCELLANEOUS

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
61 48 3 10

### MEDICAL MALPRACTICE

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
7 1 6 0

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of July

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	261
JURY .....	124
NON-JURY .....	137
CIVIL CASES CONCLUDED .....	279
JURY .....	170
NON-JURY .....	109
NEW DIVORCE CASES FILED .....	216
DIVORCE CASES CONCLUDED .....	214

#### General Sessions Civil

NEW CASES FILED .....	3,478
EXECUTIONS ISSUED .....	3,114
GARNISHMENT PAYMENTS .....	3,098
JUDGMENTS COLLECTED .....	\$546,299
ORDER OF PROTECTION PETITIONS .....	247

#### Probate Court

NEW CASES FILED .....	171
CASES CLOSED .....	174

#### Traffic Violations

MOVING CITATIONS .....	35,529
PARKING VIOLATIONS .....	6,287
TOTAL FINES COLLECTED .....	\$403,343
NULLIFICATIONS .....	3,376
NULLIFICATION FEES COLLECTED .....	\$40,512

#### Metro Court

MISDEMEANOR CITATIONS .....	685
TOTAL FINES COLLECTED .....	\$4,613

**ALL COURT OFFICES WILL BE CLOSED  
MONDAY, SEPTEMBER 6  
IN OBSERVANCE OF LABOR DAY**