

# ROOKER REPORT

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## Traffic Was Hot Ticket For Court News in '04

The introduction of new customer services took a back seat as record numbers of errant drivers made traffic court the focal point of the local judicial system during the fourth year of the 21st century.

While fax filing and internet case access brought new conveniences to the civil trial courts, the impact of a police crackdown on traffic violators commanded the most attention.

By the end of the year, more than half a million motorist violations found their way into the traffic court records--an amazing increase of more than 142,000 over the previous year.

Early in the crackdown, some traffic dockets brought hundreds of cited drivers to the First Image Building, forcing implementation of crowd control procedures that left long lines of individuals on the outside waiting to enter the building.

As overwhelming numbers waited to satisfy their citations at the cashier's window, new management techniques were put in place to help Traffic Violation Bureau personnel keep pace. The surge had come prematurely for the department responsible for collections and records, which had just begun a one-year orientation on a new state-of-the-art traffic management system. It also came at a time when a number of seasoned personnel were accepting Metro's early retirement buyout offer.

"I am impressed and pleased with the extra effort put forth by our bureau team in meeting the unusual demand placed on them during the crunch," said Circuit Court Clerk Richard Rooker. "They met the challenge quite admirably."

Meanwhile, trial attorneys were taking advantage of a new state law allowing them to file a broad range of civil pleadings via telephone lines. For the first time, facsimile filings were permitted in certain matters addressing cir-



**Traffic Court: No Passing Lanes**

cuit and probate litigation. In response to the new rule, a total of 271 such filings were made to circuit court and another 39 to probate court after the law became effective on July 1.

At the same time, subscribers to the circuit court clerk's electronic case access service Dial-A-Case moved into the modern age with the introduction of Case Link--an internet hookup that disposed of modem dial-up and offered faster mouse-control connections. The new service, allowing access to information on existing circuit, probate and general sessions cases, not only provided more efficiency, it came with a lower subscriber cost.

At the other end of the dollar spectrum, the cost of doing business in all general sessions and juvenile courts increased as the Metro Council established a \$1 tax levy on new case filings to help generate funds for victim-offender mediation centers. Another \$5 surtax was tacked on to new circuit and all general sessions filings to help pay for jail upgrading.

It was a year of comings and goings. While nine longtime fixtures of Rooker's four departments were ending their government careers, others were beginning theirs, along with four new additions to the bench.

Attorney Randy Kennedy was elected to fill the vacancy on the Seventh Circuit/Probate Court following former judge Frank Clement Jr.'s departure for the Circuit Court of Appeals; former clerk and master Claudia Bonnyman won a vacant seat on the Chancery Court, as did attorney Richard Dinkins; and attorney Dan Eisenstein became the newest member of the General Sessions Court.

General Sessions judges chose attorney Steve Holzapfel as a night court commissioner following the retirement of Houston Hagar.

For the first time, Davidson County found itself with two full-time domestic courts as Eighth Circuit Judge Carol Soloman was assigned to share the caseload with Fourth Circuit Judge Muriel Robinson.

### New Judges



EISENSTEIN



KENNEDY

### Digging In: New Court Facilities Take on Physical Presence



CONTINUED ON PAGE 2

# NEW BEGINNINGS, SAD ENDINGS MARKED JUDICIAL YEAR

(FROM PAGE 1)

Downtown, work began in earnest on an underground parking project at the courthouse and construction of a new courts building for general sessions and criminal trial court operations became visible.

And there was sadness.

The legal community said goodbye to a number of constituents, including the beloved circuit court assignment clerk Holly Russell, whose battle with cancer ended on a sad August evening. Out of respect for her contributions to the courts, circuit judges established a scholarship fund in her name and within a few months selected the first recipient for classes at the Nashville School of Law.

Two other longtime servants to the local court system,

**Sad Goodbye**



HOLLY RUSSELL

Norman (Buck) Dozier Sr., 84, and Jean Hart, also were laid to rest. Mr. Dozier was an employee of the county clerk's office and had previously worked in the Traffic Violations Bureau where Ms. Hart served as bookkeeper before her retirement two years earlier.

Final farewells also were given to former General Sessions Judge Phil Sadler, 75, and attorneys Oscar Hofstetter, Jr., 89; James Henry Wachter, 82; Jon E. Hastings, 45; Andrew Jackson Blackwell III; E. E. (Bo) Edwards, 61; Billy C. Jack, 66 of Columbia; and Earnest Pellegrin, 76, former 18th District criminal court judge.

The year would come to an end on a joyous note as Judge Leon Ruben played Santa Claus for the 35th year by holding court on Christmas Day and allowing fellow judges to be with their families.

## CHEERS...

From the time she came on board in 1984, Dot Patton has served the General Sessions Court in a secretarial capacity, starting with a two-year stint in the Probation Department.



DOT PATTON

When judges appointed her to be one of their personal secretaries in 1986, her skillful services would be in demand for another two decades.

On Friday, January 28, her dedication, loyalty and strong work ethics will be honored by the judges and others at a retirement celebration at the Ben West Building, which has been her workplace since the beginning.

A reception will begin at 11 a.m. in Courtroom 1. A variety of foods and refreshments will be served to guests, which will include employees of the Traffic Violation Bureau, Traffic Warrant Office, General Sessions Civil and Criminal Court clerks' offices and other courthouse personnel and patrons.

We wish Mrs. Patton a happy, well-deserved retirement.

## ...TEARS

RONALD REECE, 52, father of deputy circuit court clerk Ronnell Griffin, suffered a fatal heart attack on Dec. 21. He was a veteran of the Vietnam War.

DONNIE CAMPBELL, 57, brother-in-law of deputy general sessions clerk Tiffany Long, lost a five-year battle with cancer on Jan. 4. He was a resident of Joelton.

NATHAN BRICE CURRY, 97, passed away on Dec. 16 and was interred in Jackson, Tennessee. He was the father of Wayne Curry, program manager of the General Sessions Court Traffic School.

## Case Count Comparison

	2002	2003	2004	CHANGE
<b>CIRCUIT CIVIL FILINGS:</b>				
Jury	1,249	1,328	1,336	+8
Non-Jury	1,871	1,775	1,744	-31
<b>TOTAL</b>	<b>3,120</b>	<b>3,103</b>	<b>3,080</b>	<b>-23</b>
<b>Concluded:</b>				
Jury	1,806	1,781	1,824	+43
Non-Jury	1,511	1,389	1,465	+76
<b>TOTAL</b>	<b>3,317</b>	<b>3,170</b>	<b>3,289</b>	<b>+119</b>
Divorce Filings	2,732	2,668	2,540	-128
Divorce Concluded	2,872	2,625	2,489	-136
<b>PROBATE</b>				
New Filings	2,130	2,006	2,023	+17
Cases Concluded	2,135	2,201	1,962	-239
<b>GENERAL SESSIONS</b>				
New Filings	39,082	37,229	37,044	-185
Protection Orders	2,643	2,748	2,486	-262
<b>TRAFFIC</b>				
Moving Violations	263,839	272,139	393,288	+121,149
Parking Tickets	83,236	68,711	76,333	+7,622
Nullifications	20,030	26,284	39,582	+13,298

New filings for matters other than traffic cases held a fairly steady course during the 2004 calendar year with only slight deviations being noted at the trial court level.

The number of new civil complaints in circuit court dropped by just 23 cases from the previous year with all but a handful of that deficit being made up by new probate filings.

On the domestic front, where fewer filings reflects favorably on the state of relationships, divorce filings were down by a significant 128 cases and the number of order of protection petitions dropped by 262.

The chart above maps the three-year growth history of the Traffic Violation Bureau for citations issued in the three areas of enforcement.

## DECEMBER JURY TRIALS

### APPEALS

Week of December 6

#### CIRCUIT COURT

#### GENERAL SESSIONS

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1277	MEDICAL MALPRACTICE	2ND		DEFENDANT			
03C-8	CONTRACT	6TH		\$19,306			
03C-2834	AUTO ACCIDENT*	3RD	\$42,000	\$22,750	P-50/D-50		
01C-3944	AUTO ACCIDENT**	5TH	\$70,000	DEFENDANT			

\*--JURY WAIVED \*\*--JURY OF 11

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-1998	AUTO ACCIDENT/ST	5TH	\$55,000	DEFENDANT			
04C-1996	AUTO ACCIDENT/ST*	3RD	\$100,000	\$22,882			

\*--JURY WAIVED

## NON-JURY TRIAL RESULTS

Week of December 13

#### CIRCUIT COURT

#### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1869	WORKERS COMPENSATION	1ST	P-8% PERMANENT			
04C-2061	GSA/CONTRACT	6TH	DEFENDANT			
04C-1561	GSA/CONTRACT	5TH	\$2,008			
04C-594	GSA/PROPERTY DAMAGE	1ST	\$8,000*			
04C-454	WORKERS COMPENSATION	5TH	PENDING			
04C-2255	DAMAGES	6TH	\$125,370			
04C-1893	GSA/CONTRACT	5TH	C/S			
04C-1385	GSA/CONTRACT	5TH	\$2,500			
03C-1157	DAMAGES	5TH	\$200,000			

\*--DEFENDANT APPEAL DISMISSED

## Coming Next Month

The Rooker Report kicks off its 13th year as a monthly publication, having made its debut in February 1993.

It will be the 145th issue without interruption.

As always, you can expect stories related to the local judiciary and the people who make it work with emphasis on civil activities under the circuit court clerk--circuit, probate, general sessions and traffic violations.

Comprehensive statistical information providing an overview of current and past activities of the courts will continue to command a proportionate segment of the newsletter, as will features on employees and other deserving members of the legal community.

We will continue to search for ways to improve our publication and, as such, we welcome suggestions from our readers toward that end.

The report is also available, along with back issues, on our web site. Our internet address is: [www.nashville.gov/circuit](http://www.nashville.gov/circuit).

## FEBRUARY BIRTHDAYS

**Circuit Court Clerk**  
7 Tracy Cartwright  
19 Mickey Brissette  
23 Lori Stratton

**Traffic Violations**  
4 Jessie Woodard  
5 Lee Millsap  
11 Marie Roberts  
21 Rick Kimery  
25 Antonio Lanier  
26 Macy Hill

**General Sessions**  
25 Diana Reed  
27 Tiffany Long

**Probate Clerk**  
26 Patty Jack

## 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)**



## AUTO ACCIDENTS

### 2004 CASE ANALYSES

PLAINTIFFS 31  
DEFENDANTS 10

RATIO: PLAINTIFFS 3-1

### PERIODICAL OVERVIEW

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JAN-JUNE	29	23	6	19	6	4
JULY-OCTOBER	17	13	4	12	3	2
NOVEMBER	5	4	1	2	1	2
DECEMBER	4	4	0	2	2	0

### 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
AUGUST	135,509	700-110,962	4,769
SEPTEMBER	43,795	5,420-30,375	19,187
OCTOBER	16,595	N/A	N/A
NOVEMBER	19,000	9,000-10,000	N/A
DECEMBER	45,632	22,750-22,882	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
AUGUST	7,000	N/A	N/A
SEPTEMBER	93,400	N/A	N/A
OCTOBER	N/A	N/A	N/A
NOVEMBER	N/A	N/A	N/A
DECEMBER	N/A	N/A	N/A

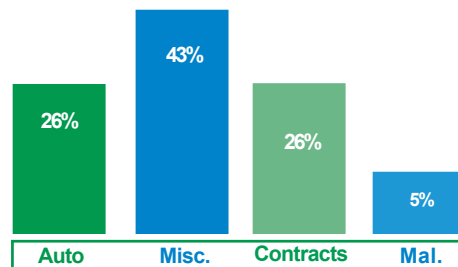
### SOFT TISSUE CASES

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
AUGUST	133,315	700-110,962	5,413
SEPTEMBER	129,195	5,420-93,400	30,375
OCTOBER	N/A	N/A	N/A
NOVEMBER	N/A	N/A	N/A
DECEMBER	22,882	N/A	N/A

### GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	36,978	5	2	1
JULY-OCTOBER	21,000	3	2	0
NOVEMBER	N/A	0	1	1
DECEMBER	N/A	0	0	0

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of December

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	259
JURY .....	109
NON-JURY .....	150
CIVIL CASES CONCLUDED .....	239
JURY .....	120
NON-JURY .....	119
NEW DIVORCE CASES FILED .....	188
DIVORCE CASES CONCLUDED .....	173
DOMESTIC PETITIONS FILED .....	453
DOMESTIC PETITIONS CONCLUDED .....	192

#### General Sessions Civil

NEW CASES FILED .....	3,245
EXECUTIONS ISSUED .....	2,254
GARNISHMENT PAYMENTS .....	3,188
JUDGMENTS COLLECTED .....	\$553,219
ORDER OF PROTECTION PETITIONS .....	171

#### Probate Court

NEW CASES FILED .....	118
CASES CLOSED .....	117

#### Traffic Violations

MOVING CITATIONS .....	25,720
PARKING VIOLATIONS .....	3,375
TOTAL FINES COLLECTED .....	\$311,189
NULLIFICATIONS .....	2,906
NULLIFICATION FEES COLLECTED .....	\$34,872



### MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
93	69	8	16



### CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
56	36	12	8
December Awards--\$23,814. Year to Date--\$332,430			



### MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
10	3	7	0