

# ROOKER REPORT

February 2005

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Vol.13, No. 1

## Kicking Off Our 13th Year

12th Anniversary



### Editorial

WITH THIS ISSUE THE ROOKER REPORT CELEBRATES ITS 12TH ANNIVERSARY OF PROVIDING INFORMATION ON THE WORKINGS OF THE LOCAL CIVIL JUDICIAL SYSTEM AND THE PEOPLE INVOLVED IN ITS OPERATIONS.

IT IS BELIEVED TO BE THE LONGEST RUNNING NEWSLETTER OF ITS KIND IN THE STATE WITH 144 CONSECUTIVE ISSUES TO ITS CREDIT.

AS WE BEGIN OUR 13TH YEAR, WE DO SO WITH A DEDICATION TO PROVIDING PERTINENT NEWS RELATIVE TO ALL PHASES OF OPERATIONS OF THE CIRCUIT, GENERAL SESSIONS CIVIL, PROBATE AND TRAFFIC VIOLATIONS AND TO PRESENT THOSE FEATURES IN THE MOST ATTRACTIVE PACKAGING POSSIBLE.

IN KEEPING WITH OUR EFFORTS TO STAY ABREAST OF CHANGES AFFECTING TECHNOLOGICAL GROWTH AND HUMAN PREFERENCE, GREAT STRIDES HAVE BEEN MADE IN RECENT MONTHS REGARDING THE ROOKER REPORT'S AESTHETIC APPEAL. FOR THE FIRST TIME, THE REPORT WAS PRINTED IN FULL COLOR, AN EXPERIMENT THAT WAS WELL RECEIVED BY READERS, NOT UNLIKE THE ACCEPTANCE GIVEN TO THE NATION'S NEWSPAPERS DURING THEIR CONVERSION TO COLOR YEARS AGO.

IT IS A PROVEN THEORY THAT THE MORE ATTRACTIVE A STORY IS PRESENTED, THE GREATER ITS READERSHIP. THE SAME PRINCIPLE APPLIES TO PHOTOGRAPHS. HIGH RESOLUTION AND CLARITY ENHANCE THE APPEAL OF THE IMAGE AND DETERMINE THE WORTHINESS OF MEMORY RETENTION.

THE REPORT FOR MANY YEARS WAS PUBLISHED IN BLACK AND WHITE ONLY. BUT THAT WAS DURING A PERIOD WHEN COLOR WAS NOT CONSIDERED A VISUAL NECESSITY. LATER, A TINGE OF COLOR FOUND ITS WAY INTO THE PUBLICATION WITH THE AVAILABILITY OF "SPOT" COLOR, WHICH ALLOWED THE USE OF TWO OR THREE COLORS FOR TYPE BUT NOT PHOTOGRAPHS.

LIKE OTHER TECHNICAL ADVANCES THAT HAVE PROVIDED GREATER CUSTOMER CONVENIENCE DURING RECENT YEARS, THE ROOKER REPORT HAS CAUGHT UP WITH THE TIMES AND WILL CONTINUE TO PROVIDE COMPREHENSIVE STORIES, STATISTICS AND OTHER FEATURES IN THE MOST ATTRACTIVE MANNER POSSIBLE.

THANK YOU FOR PICKING UP A COPY OF THIS MILESTONE EDITION.

### THE HISTORY

## REPORT WAS BORN IN '93

The Rooker Report was born in February 1993 when then-Circuit Court Clerk George L. Rooker considered that the employees of his four departments needed to be more aware of what was going on in their fellow offices. An inter-office newsletter, he figured, would accomplish that by providing employees in the courthouse with news from the Ben West Building and vice versa.

Consequently, there would actually be two newsletters and they would be produced on a simple word processor since no publishing software programs were then available. Several names were suggested: *Circuit News*, *Courthouse Circular*, *Civil Monthly*, to name a few. Obviously, the clerk was more impressed by *Rooker Report*. And it was so named.

After the first month's report was circulated, the clerk would fail to survive heart surgery. The second report was a single issue devoted exclusively to Mr. Rooker's unfortunate death and a tribute to his quarter of a century service as clerk.

In the weeks to follow, Richard Rooker would become his father's successor and approve continuation of the newsletter. His vision for the report reached beyond the confines of his own departments and led to the ad-

## The Shape of Things to Come

BEVERLY BRILEY COURTS BUILDING SHOWS ITS CONSTRUCTION PROGRESS. COMPLETION DATE COULD COME AS EARLY AS NEXT DECEMBER.



SEPTEMBER 2004



FEBRUARY 2005

SEE THE HISTORY, PAGE 2

## CHEERS...

**Lindy Hunter** has returned to her job as assistant to Chancellor **Carol McCoy** after being on maternity leave. She has plenty of pictures of her baby daughter **Mai Katherine Hunter**, who made her arrival on October 25 at Centennial Medical Center. The scales showed 7 pounds, 2 ounces and the tape measured 20.5 inches. Lindy's joy meter went through the roof.

Judge **Hamilton Gayden's** son made him a grandfather for the first time on January 17. **Arthur Claiborne Gayden** weighed 7 pounds, 9 ounces, and measured 22 inches. He was born in Michigan to **Shawn and Hamilton Gayden**.

Congratulations also to retired probate deputy clerk **Phil York** and wife **Linda** on becoming grandparents for the first time. The big event occurred on Feb. 5 in Oakland Park, Kansas with the arrival of **Brady Edward York**, who signed in at 6 pounds, 3 ounces over an 18.5 inch frame. He is the first born of son **Greg York** and his wife **Tami**, who came through in flying colors.

Hats off as well to General Sessions Court Officer **Dan Gargus** and wife **Amy**, who welcomed their second daughter into the family on January 19. **Jordan Lee Gargus** made her entrance at Centennial Hospital where she weighed 7 pounds, 3 ounces and measured 20 inches. Dad, who works for Judge William Higgins, said **Caroline Mae, 2**, is excited about having a baby sister.

A traffic violator was seen exiting the First Image Building wearing an orange tee-shirt with bold black lettering that read: **UNDERCOVER POLICE**. Now that's funny.

## ...TEARS

**BETTY JO CRIPPS**, 73, mother of Eighth Circuit court officer Will Cripps, died on Feb. 1 following a long illness. She was the wife of Dr. Willie S. Cripps, who also survives, along with a daughter **Debbie Fitzgerald**.

**BOB MCCLAIN JR.**, 74, former court officer for General Sessions Judge William Higgins, passed away on February 16 after a long fight with cancer. He served the court for 10 years before bad health forced his retirement.

**RAYMOND CRAWFORD**, 89, uncle of Rooker Report editor Gene Baker, passed away Jan. 22 at his home in Murray, Kentucky of natural causes.



**ELIZABETH (LIBBY) THOMAS**, 83, a retired employee of the General Sessions Civil Division office, passed away on Jan. 26. Her 20 years of service in the office began on Feb. 1, 1968 and continued until her retirement on June 30, 1988. She was known for an infectious smile, as depicted in photo at left.

**VIVIAN RUSSELL DROWOTA**, mother of Tennessee Supreme Court Chief Justice Frank Drowota III, passed away at Alive Hospice on Feb. 5. She was 100 years of age and was the widow of the late Frank Drowota Jr., founding minister of Woodmont Christian Church who preceded her in death in 1998.

**JIMMY MATTHEWS**, 76, retired Columbia General Sessions Court judge, passed away on Jan. 27. He was one of a handful of Tennessee judges who did not possess a formal law degree but was highly regarded during 34 years of service on the bench.



Early issues of report were printed in black/white

## THE HISTORY

# STORIES, STATS, ANALYSES, PEOPLE

(From Page 1)

dition of computer software to produce a more polished publication for distribution to all persons doing business with the civil courts.

New features have been added over the years, many at the request of attorneys and judges who have contributed to the report's general progress.

Basically, the four-page monthly report offers four areas of coverage—news stories, people, trial results and case analyses. Statistical information occupies approximately half of the space while the written word and photographs fill the rest. It is hard to say which commands the greater readership.

The report is distributed via countertop display for the general public, attorneys and employees and is circulated to judges and other government departments through inner-office mail. Additionally, the report can be found, along with back issues, on the Circuit Court Clerk internet website.

Gene Baker has served as editor of the report since its inception.

## MARCH BIRTHDAYS

**BIRTHSTONE: AQUAMARINE/BLOODSTONE**

### Circuit Court Clerk

- 10 Penny Hubbell
- 12 Cyndi Snuggs
- 17 Deanna Alexander
- 29 Cheryl Kennedy
- 30 Suzanne Wheeler

### Probate Clerk

- 21 Kyle Sowell
- 24 Tommy King

### Traffic Violations

- 2 Dana McGregor
- 5 Wanda Clymer
- 7 Denise Bennett
- 9 Hayden Guest
- 12 Roy Bohannon
- 24 Lisa Jones

### General Sessions

None

## JANUARY JURY TRIALS

### APPEALS

#### Week of January 10

#### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1527	MEDICAL MALPRACTICE	2ND		DEFENDANT			
01C-548	MEDICAL MALPRACTICE	3RD		DEFENDANT			
00C-1678	CONTRACT	6TH*		UNDER ADVISEMENT			
03C-2812	CONVERSION	5TH		\$18,500			

\*--JURY WAIVED

#### Week of January 24

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-3161	CONTRACT	2ND*	\$150,000	20% EQUATION			
03C-2198	CONTRACT	1ST		\$34,914			
02C-2826	OUTRAGEOUS CONDUCT	5TH		\$200,000			
04C-763	CONTRACT	1ST		INJUNCTION GRANTED			

\*--JURY WAIVED

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1768	AUTO ACCIDENT/ST	1ST		\$17,500			
03C-3328	AUTO ACCIDENT/ST	6TH		DEFENDANT			
03C-1564	AUTO ACCIDENT/ST	6TH	\$50,000	\$7,131			
02C-354	AUTO ACCIDENT/ST	6TH	\$75,000	DEFENDANT			

## NON-JURY TRIAL RESULTS

#### Week of January 18

#### CIRCUIT COURT

#### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-1683	GSA/CONTRACT	2ND	\$865		P-\$1,654	DEFENDANT
04C-2273	GSA/PROPERTY DAMAGE	6TH	UNDER ADVISEMENT		P-\$3,950	DEFENDANT
04C-2280	GSA/STOLEN PROPERTY	6TH	\$1,500		DEFENDANT	PLAINTIFF
04C-2333	GSA/CONTRACT	2ND	REMANDED		P-\$4,352	DEFENDANT
04C-2843	GSA/PROPERTY DAMAGE	2ND	P-No LIABILITY		DEFENDANT	PLAINTIFF

### Rutherford's Bench & Bar II Produces \$3,000 for Students

The success of attorney/historian David Rutherford's latest book chronicling the legal history of Davidson County has produced another \$3,000 for the Nashville Bar Foundation.

A check in that amount was recently presented to Virginia Townzen, associate dean of the Nashville School of Law. The funds will be used to provide low-interest student loans to law students, which was Rutherford's vision for the Nashville Bar Foundation when it was founded in 1981.

Rutherford's updated version of his original Bench & Bar book was released last year and covers the county's legal history from 1875-2003.

Originally, it was decided that sales proceeds up to \$10,000 above the book's printing cost would be donated to the foundation. But the latest gift brings the total to \$11,000 for combined profits from both books.

The book, titled Bench & Bar II, can be purchased at all court clerks' offices in Davidson County for \$50 a copy.

### Holiday Schedule

Here are the holidays to be observed by the courts and affiliated offices for the remainder of 2005:

Good Friday...March 25	Memorial Day...May 30
Independence Day...July 4	Labor Day...September 5
Veterans Day...Nov. 11	Thanksgiving Day...Nov. 24
Day after Thanksgiving...Nov. 25	Christmas Eve...December 23
Christmas Day...December 26	New Year's Day...Jan. 2, 2006

### 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 37  
DEFENDANTS 14

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
NOV-DECEMBER	9	8	1	4	3	2
JANUARY '05	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
JANUARY '05	24,631	7,131-17,500	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
JANUARY '05	N/A	N/A	N/A

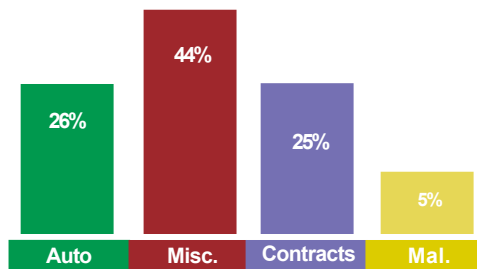
### SOFT TISSUE CASES

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
JANUARY '05	24,631	7,131-17,500	N/A

### GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	36,978	5	2	1
JULY-DECEMBER	21,000	3	3	1
JANUARY '05	N/A	N/A	N/A	N/A

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of January

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	232
JURY .....	96
NON-JURY .....	136
CIVIL CASES CONCLUDED .....	303
JURY .....	183
NON-JURY .....	120
NEW DIVORCE CASES FILED .....	172
DIVORCE CASES CONCLUDED .....	230
DOMESTIC PETITIONS FILED .....	483
DOMESTIC PETITIONS CONCLUDED .....	315

#### General Sessions Civil

NEW CASES FILED .....	4,021
EXECUTIONS ISSUED .....	3,238
GARNISHMENT PAYMENTS .....	3,388
JUDGMENTS COLLECTED .....	\$597,094
ORDER OF PROTECTION PETITIONS .....	266

#### Probate Court

NEW CASES FILED .....	173
CASES CLOSED .....	150

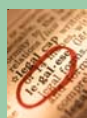
#### Traffic Violations

MOVING CITATIONS .....	32,873
PARKING VIOLATIONS .....	4,894
TOTAL FINES COLLECTED .....	\$399,273
NULLIFICATIONS .....	4,088
NULLIFICATION FEES COLLECTED .....	\$49,056



### MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
98	73	8	17



### CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
56	36	12	8

January Cash Awards--\$35,779. Year to Date--\$368,209



### MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
12	3	9	0