

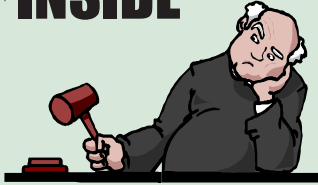
ROOKER REPORT

March 2005

Published by the Davidson County Circuit Court Clerk's Office

Vol.13, No. 2

INSIDE



REPEAT THE QUESTION?

Some actual courtroom verbal blunders that will make you laugh.

Note: The collection does not include any local slips of the tongue.

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WHAT WOULD YOU GIVE?

You won't believe the appraised value of this old hand-me-down lamp. Even the owner was amazed!

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CHEERS & TEARS.....2
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Jury Awards Showing Dramatic Changes

Soft Tissue Revisited

With judgment awards climbing to almost three times the average from the previous year, auto accident litigants with soft tissue injuries appeared to be gaining more credibility with juries in 2004.

Those who chose to trust their grievances to their peers in the courtroom fared much better than their forerunners, according to court records compiled by the Circuit Court Clerk's office.

And, despite the growing popularity of alternative dispute resolution through mediation, the number choosing trials increased nominally from 19 to 26 over the previous year.

Because soft tissue injuries normally are reliant on chiropractic rather than traditional medical treatment, juries have historically been reluctant to give equal weight to plaintiff evidence in such cases.

In 2003, when 16 of the 19 trials ended favorably on the side of plaintiffs, monetary awards were only fractional in comparison to the asking amounts.

Disregarding the high and low awards, plaintiffs that year went home with a "mean" of only \$11,930. That number rose to \$29,903 for the 21 winning plain-

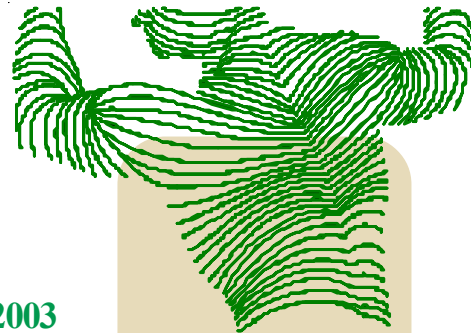
tiffs in 2004. Only five soft tissue trials resulted in defendant verdicts.

The largest "recovery" amount in 2003 was \$178,903 and it represented less than 25 percent of the plaintiff's asking amount. In a similar trial in 2004, based on the same prayer amount, the plaintiff was awarded \$243,589.

Not all soft tissue plaintiffs set a

value on their cases, relying on the evidence to garner fair compensation. For those who do, a favorable verdict could mean a higher award but almost always one of dramatically reduced proportions.

The overall increase last year bears watching as a possible upward trend in this sensitive area of civil litigation.



2003		2004
19	Total Trials	26
16	Plaintiff	21
3	Defendant	5
\$371,533	Total Awards	\$629,623
\$178,903	Highest	\$243,589
\$1,750	Lowest	\$700
\$11,930	Mean	\$29,903

Court Officer Bids Sudden Farewell to Two Brothers

Only Nine Children Remain From Original 18 in Forrest Garrett's Family

As a child growing up on a share-cropping farm in Guthrie, Ky., Forrest Garrett never thought much about being from a large family. The more children, the more hands to work the soil—the source of their livelihood.

That reality was accentuated by the fact that Forrest and his 17 siblings made up only the second largest family in his farming community.

"Another family there had 22 children," recalled Garrett, now a veteran court officer for General Sessions Judge Leon Ruben. "We had five sets of twins and they had eight sets," added Forrest, himself a twin.

"The smallest family around, as I recall, had only seven children."

Over the years, Forrest has faced the grief of losing half of his siblings,



GARRETT

seven of them long ago. Time had helped heal the pain of telling them good-bye. Then, suddenly, the recent passing of two older brothers within a six-week period struck a devastating blow.

On February 27, Forrest was informed that brother James Garrett had succumbed to a 14-month bout with leukemia at the age of 67.

Forrest was still mourning that loss when news came on March 20 that another brother, Mose (Bubba) Garrett had been taken by cancer at the age of 71.

Both brothers had spent their entire lives in Guthrie.

The original Garrett clan has now been reduced to nine, leaving Forrest with six sisters and two brothers. We share their grief.

CHEERS...



BENNETT

Wedding bells will ring in April for **Denise Bennett**, a cashier in the Traffic Violation Bureau. She is scheduled to repeat vows with long-time beau **Keith Beverly** on April 23 in ceremonies at the Seay Hubbard United Methodist Church. The big event will come after a five-year courtship.

Belated congratulations to **Melba Borda**, another Traffic Violation Bureau cashier, who gave birth on January 19. Melba presented husband **Juan Carlos Borda** with a 6-pound, 1-ounce daughter who was given the name of **Isabella Borda**. The new arrival was 18.2 inches in length.

...TEARS

JOE ALLEN LAMBERT, 71, uncle of Circuit Court Clerk Secretary Candy Finch, passed away on March 4 in Gallatin. He was a cancer victim.

DR. AUBREY B. HARWELL, father of Nashville attorney Aubrey B. Harwell Jr., and grandfather of attorney Aubrey B. Harwell III, died on March 7 at the age of 91. He also leaves two other sons and two grandsons.

J. HOMER GAINES, 74, uncle of General Sessions Civil Division bookkeeper Sandra Perryman, lost his battle with cancer on March 5. Formerly of Madison, he was a resident of Pensacola where he died.

RUBY OCTAVIA (MONKA) THOMPSON, 90, mother of General Sessions court officer David Thompson and retired General Sessions court officer Marvin Thompson, passed away on March 1 in Anniston, Alabama. She also was the grandmother of Chuck Hughes, a deputy clerk in the Criminal Court Clerk's office, and Kevin Thompson, a member of the Davidson County Sheriff's Department.

NON-RESIDENT PUBLISHING FEES ANNOUNCED

Three local publications have issued fee schedules for running non-resident announcements for four consecutive weeks.

The publications and the applicable fees are:

PUBLICATION	FEE
NASHVILLE RECORD	\$93
NASHVILLE SCENE	\$90
THE CITY PAPER	\$89

All publication checks should be made payable to the paper of choice and must be accompanied by a complete publication notice.

Publications in all three papers will be processed on the following Monday and announcements will be published on the Thursday of that week.

Rooker Report

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

Internet @ 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 (660-3309)

Spotlight



SUSAN GRANNIS (INSET) AND FAMILY'S VALUABLE HEIRLOOM LAMP

Old Lamp Sheds New Light

You've heard the sayings many times: "beauty is in the eye of the beholder...one man's trash is another man's treasure,"...etc.

Much to her amazement, Susan Grannis learned the validity of those claims when she recently visited the popular Public Broadcast System's Antiques Show in Memphis.

Accompanied by her brother, the Traffic Violation Bureau employee decided to take along an old lamp that had been handed down 40 years earlier by a great aunt.

"As kids, we thought that lamp was so ugly. And when we would visit our aunt we were forbidden to play anywhere near the table where it sat," said Grannis.

Little did she realize the value of her aunt's admonition until, out of curiosity, she had it appraised at the antique show.

Not only were the antique experts impressed with what they saw, they invited Grannis to show the vintage lamp in a televised segment of the show. (In case you missed it, the segment aired on Feb. 28.)

It turned out that the "ugly" old lamp with the reverse handpainted scene of three red macaws in a tropical setting was a 1910 Handel creation with a current value of (are you sitting down?) between \$15,000-20,000. "Was I surprised at that information? You bet I was," exclaimed Grannis, who figured the lamp could not be worth more than around \$500.

Despite the potential windfall, Grannis said the lamp would remain as a family heirloom.

"My mom said she was glad she took the lamp 40 years ago when my aunt passed away. No one else wanted it because it was not the prettiest lamp."

Pretty or not, it has shed new light on some very old beliefs.

APRIL BIRTHDAYS

BIRTHSTONE: DIAMOND

Circuit Court Clerk

- 3 Gene Baker
- 5 Beverly Rawls
- Kelli Olin
- 11 Will Cripps
- Candy Finch
- 22 Jim Davis
- 26 Karen Mallory

Probate Clerk

- 6 Cathy Garrett

Traffic Violations

- 4 Stacey Holt
- 19 Jennifer Wilee
- 28 Eva McNaney
- 29 Kristen Massey

General Sessions

- 18 Ryan Hager
- 19 Karin Kelley
- 30 Judy Christopher

FEBRUARY JURY TRIALS

APPEALS

GENERAL SESSIONS

Week of January 31

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-1698	AUTO ACCIDENT	1ST		DEFENDANT			
04C-1687	GSA/AUTO ACCIDENT	2ND		\$12,589		P-\$14,999	DEFENDANT
02C-2367	AUTO ACCIDENT	3RD		\$48,000			
04C-38	AUTO ACCIDENT	5TH		DEFENDANT			
04C-2710	GSA/AUTO ACCIDENT+	2ND		\$1,386		P-\$7,400	DEFENDANT
04C-211	GSA/AUTO ACCIDENT+	2ND		\$3,143		P-\$6,500	DEFENDANT

+CASES TRIED TOGETHER

NON-JURY TRIAL RESULTS

Week of February 14

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-1416	GS/TRANSFER	2ND	\$8,655			
04C-2933	METRO APPEAL	1ST	DEFENDANT		METRO-\$20 TICKET	DEFENDANT
02C-3689	DAMAGES	5TH	GRANTED			
04C-3264	GSA/CONTRACT	5TH	\$6,250		P-\$4,884	DEFENDANT
04C-1241	GSA/CONTRACT	1ST	\$5,300		DISMISSED	PLAINTIFF
03C-3503	GSA/CONTRACT	2ND	DISMISSED		P-\$9,000	DEFENDANT
02C-2836	CONTRACT	5TH	\$7,731			
04C-748	WORKERS COMPENSATION	1ST	44% TTL. DIS.			
04C-2120	GSA/CONTRACT	7TH	\$4,029		P-\$3,869	DEFENDANT
04C-2568	GSA/CONTRACT	5TH	DEFENDANT		P-\$4,181	DEFENDANT
04C-1054	DAMAGES	2ND	\$200,000			
03C-888	GSA/DETAINDER	1ST	\$22,900		P-\$20,602	DEFENDANT
04C-2834	GSA/SCIRE FACIAS	2ND	\$422		P-\$693	DEFENDANT

A GUIDE TO WHAT NOT TO SAY IN THE COURTROOM

“Let Me Rephrase That Question, Your Honor”

Often in the heat of the moment, words that emanate from our mouths are not filtered through our thinking mechanism. When this occurs in the courtroom, the results can be...well, here are some examples:



Now doctor, isn't it true that when a person dies in his sleep, in most cases he just passes away and doesn't know anything about it until the next morning?

-0-

Was it you or your brother who was killed in the war?

-0-

Were you alone or by yourself?

-0-

Q: So she had three children, right?

A: Yes.

Q: How many were boys?

A: None.

Q: Were there girls?

-0-

Q: You say that the stairs went down to the basement?

A: Yes.

Q: And these stairs, did they go up also

Q: "Is your appearance here this morning pursuant to a deposition notice which I sent to your attorney?"

A: "No, this is how I dress when I go to work."

-0-

The youngest son, the 20-year-old, how old is he?

-0-

Q: I show you Exhibit 3 and ask you if you recognize that picture.

A: That's me.

Q: Were you present when that picture was taken?

-0-

Were you present in court this morning when you were sworn in?

-0-

Q: "Can you describe the individual?"

A: "He was about medium height and had a beard."

Q: "Was this a male, or a female?"

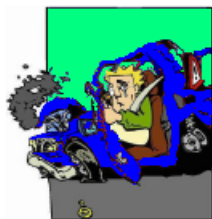
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So you were gone until you returned?

-0-

You don't know what it was, and you didn't know what it looked like, but can you describe it?

Please See Next Page for More Laughs



AUTO ACCIDENTS

2004 CASE ANALYSES

PLAINTIFFS 37
DEFENDANTS 14

RATIO: PLAINTIFFS 3-1

PERIODICAL OVERVIEW

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
2004	55	44	11	35	13	7
JANUARY '05	4	4	0	2	2	0
FEBRUARY	6	6	0	4	2	0

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	24,631	7,131-17,500	N/A
FEBRUARY	65,118	1,386-48,000	7,866

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	24,631	7,131-17,500	N/A
FEBRUARY	N/A	N/A	N/A

GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY '05	N/A	N/A	N/A	N/A
FEBRUARY	17,118	3	0	0



MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
12	10	1	1



CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
12	8	1	3

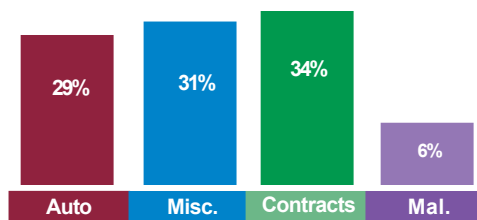
February Cash Awards--\$19,281. Year to Date--\$55,060



MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
2	0	2	0

CIVIL TRIALS BY CLASS



DATA BANK

Statistics compiled for the month of February

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	212
JURY	92
NON-JURY	120
CIVIL CASES CONCLUDED	222
JURY	126
NON-JURY	96
NEW DIVORCE CASES FILED	211
DIVORCE CASES CONCLUDED	161
DOMESTIC PETITIONS FILED	209
DOMESTIC PETITIONS CONCLUDED	261

General Sessions Civil

NEW CASES FILED	3,423
EXECUTIONS ISSUED	2,629
GARNISHMENT PAYMENTS	3,413
JUDGMENTS COLLECTED	\$620,799
ORDER OF PROTECTION PETITIONS	215

Probate Court

NEW CASES FILED	162
CASES CLOSED	141

Traffic Violations

MOVING CITATIONS	35,806
PARKING VIOLATIONS	4,869
TOTAL FINES COLLECTED	\$436,291
NULLIFICATIONS	3,707
NULLIFICATION FEES COLLECTED	\$44,484

FROM PAGE 3

More Courtroom Slip-Ups

Judge: Is there any reason you could not serve as a juror in this case?

Juror: I don't want to be away from my job that long.

Judge: Can't they do without you at work?

Juror: Yes, but I don't want them to know it.

-0-

Q: What gear were you in at the moment of the impact?

A: Gucci sweats and Reeboks.

A Texas attorney, realizing he was on the verge of unleashing a stupid question, interrupted himself and said, "Your Honor, I'd like to strike the next question."

-0-

Q: What is your date of birth?

A: July fifteenth.

Q: What year?

A: Every year.

-0-

Stay Tuned for more actual courtroom humor in months ahead.