

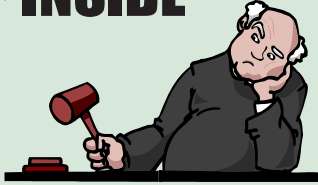
# ROOKER REPORT

April 2005

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## INSIDE



### MORE COURTROOM FLUBS

A second sampling of slips-of-the tongue recorded during actual court cases from across the country. Page 3



### STEVE ROSE EARNS CERTIFICATION

Traffic Warrant Office Supervisor 10th Rooker employee to complete course Page 2

CHEERS & TEARS.....2  
TRIAL VERDICTS.....3  
TRENDS.....4

## KILCREASE MEMORIALIZED



Retired Davidson County Chancellor Irvin Kilcrease, Jr. gained permanent presence in the courtroom where he presided for 23 years when his portrait was unveiled during a March 24 ceremony hosted by fellow chancellors. The portrait was painted by Augustine Chimezie, an art major at Fisk University. It will hang in the Part 1 Courtroom from which he retired in 2003.

## Chancellor Bonnyman is Recipient of State Justice Institute Scholarship

Davidson County Chancellor Claudia C. Bonnyman has been awarded a State Justice Institute (SJI) scholarship to attend a 10-day General Jurisdiction course at the National Judicial College in Nevada. The course is required for trial judges in Tennessee.

The award will cover tuition, transportation and lodging.

Bonnyman and judges from across the country will share ideas on courtroom and case management, including those involving self-represented, or pro se, litigants. Topics included in the



BONNYMAN

See BONNYMAN, Page 4

## The Eighth Commandment, According to Jay Moreland

### Base Runners Heed Warning of Judge's Catcher Son--Or Else

*Exodus 20:15--"Thou Shalt Not Steal."*

It is the Eighth Commandment in the Bible and a forewarning to base runners who might be tempted to challenge the throwing arm of Jay Moreland, a highly touted catcher for the Goodpasture baseball team.

Moreland displays the admonition on his helmet and few are the opponents who refuse to heed the advice. When they do, they have less than 1.86 seconds to successfully fulfill their quest. That's the amount of time it takes for Moreland to make a throw once the ball has hit his mitt.

In case you're not familiar with baseball equations, consider the fact that major leaguers are usually clocked in the 1.85 to 1.95 range. It's called "pop time" and is the by-product of dedicated practice necessary to the development of hand-eye coordination, dexterity and all the other elements generally attributed to "natural talent."

Moreland's "pop time" might very well be associated with another kind of pop time. He is the son of General Sessions Judge Casey Moreland, who not only is known as a high school and college football official, but also as a baseball coach.

Moreland, the judge, played a key role in the early development of Moreland, the player, helping to hone his skills in preparation for fine-tuning under Goodpasture Coach Richie Estep.

Next year, those efforts will get further development at Vanderbilt, which gave Moreland a scholarship to work with one of the nation's top pitching staffs.

Meantime, the Goodpasture senior is finding it difficult and frustrating in applying his greatest skill. Base runners are afraid to challenge his arm.

Maybe he should remove that sticker from his helmet.



JAY MORELAND  
*rapid pop time*

## CHEERS...



SHEFFIELD

**Mark Sheffield** has resigned his position as a docket clerk in the General Sessions Civil Division to become a paralegal for two Nashville attorneys. Sheffield, whose last day with the clerk's office was April 15, has joined the practice of attorneys **Tammy Mayhew** and **Paul White** after serving almost three years as docket clerk in Courtroom III of the Sessions civil court.

**Steve Leary** recently returned to work in the traffic warrant office after undergoing corrective spine surgery.

**Gov. Phil Bredesen** wants to turn over the growing problem of methamphetamine addiction to Criminal Court Judge **Seth Norman**, whose felony drug court has become a national model in the war on drugs. The governor has asked the state legislature to approve a \$1.7 million appropriation for a plan that would send meth users from around the state to Norman's court for treatment. The plan would save money now being spent on incarcerating addicts in jails and prisons. Only nonviolent addicts would be allowed into the program. The possibility poses a daunting challenge because of the lingering mental effects of meth use. But the track record of Norman's court makes it the most likely source of hope. As the judge says, "You never know till you try."

The General Sessions judges met this month to approve their annual end-of-the-year holiday schedule. Write this down: The last full day for regular court business will be Friday, December 16, with the exception of the jail, mental health and order of protection dockets, which will be held without interruption. The full court schedule will resume on Tuesday, January 3, 2006. You might also want to note the above schedule will also apply to September 13-16 when the Sessions judges will be attending their annual fall judges' conference.

## ...TEARS

**CHERFUL HENNESSEE**, 74, passed away on April 3 in Rocky River, Tennessee. He was the uncle of Circuit Court Clerk deputy Deborah Hennessee.

**MYRTLE FRENCH TRIMBLE**, 86, widow of former Circuit Court Judge Benson Trimble and mother of Metro Traffic Warrant Officer Pat Trimble and three other sons, passed away on April 6 following a long illness.

**CHARLES F. RUST**, 85, step-father of Probate Judge Randy Kennedy, passed away on April 13 in Mt. Juliet. Judge Kennedy was attending the National Judicial College in Reno, Nevada. He returned there after attending the funeral in Hermitage.

**MILDRED DRAKE**, 84, sister-in-law of deputy probate clerk Ruth Lester, lost a courageous battle with cancer at her home in Franklin on April 13.

## TRAFFIC WARRANT SUPERVISOR ROSE EARNS ADMINISTRATOR CERTIFICATION

When Steve Rose was within two credit hours of completing a government management course back in 2002, he learned that new curriculum requirements would delay his certification.

This month, more than four years after beginning the original one-year program, Rose joined 34 others from across the state in becoming a certified public administrator.

Ceremonies took place at Montgomery Bell State Park on April 20.

Rose, who is supervisor of the Traffic Violations Bureau's Warrant Division, became the tenth member of Circuit Court Clerk Richard Rooker's staff to attain certification under the program, administered by the University of Tennessee. He is the only one, however, to complete an additional 16 hours of study time--a requirement made necessary by the addition of new laws addressing areas not previously covered by the program.



ROSE

## PROBATE NOTICES TO CREDITORS AVAILABLE THROUGH FIVE PAPERS

When a decedent's estate is opened in Davidson County in less than one year from the date of death, state law requires the clerk to publish for two consecutive weeks a Notice to Creditors in a newspaper of general circulation in the county.

The decision, however, about which newspaper in which to publish the notice is not made by the clerk but, rather, the attorney or the personal representative of the estate. The clerk's office is instructed to post the notice in the publication that has been chosen.

The Nashville Record, the Nashville Business Journal and the Tennessee Tribune have historically been available for publishing the notices. However, within this past year, two additional newspapers -- the City Paper and the Nashville Scene -- have also become available for the service. Thus, the list of available newspapers for the Notice to Creditors, along with their publication fee, is as follows:

<b>Nashville Record</b> .....	<b>\$50.00</b>
<b>Nashville Business Journal</b> .....	<b>\$50.00</b>
<b>City Paper</b> .....	<b>\$45.00</b>
<b>Nashville Scene</b> .....	<b>\$45.00</b>
<b>Tennessee Tribune</b> .....	<b>\$50.00</b>

## MAY BIRTHDAYS

BIRTHSTONE: EMERALD

### Circuit Court Clerk

- 2 Christenah Haefner
- 7 Michelle Sawyer
- 10 Suzanne Parker
- 27 Brenda Parks
- 29 Bobbie Eden
- 30 Ricky Rooker

### General Sessions

- 6 Dawn Gorham
- 24 Jennifer Borntreger
- 29 Sue Burgett

### Traffic Violations

- 2 Beverly Swafford
- 12 Brent Mathes
- 25 Felice Graham
- 30 Ray Fuller

### Probate Clerk

- 17 Kim Jackson

## MARCH JURY TRIALS

APPEALS

GENERAL SESSIONS

Week of February 28

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-2828	AUTO ACCIDENT	2ND		\$92,817			

Week of March 7

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-2464*	AUTO ACCIDENT	6TH		DEFENDANT			

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-3218*	AUTO ACCIDENT/ST	5TH		\$20,000			
03C-2372*	AUTO ACCIDENT/ST	3RD		\$14,484			
03C-1380	AUTO ACCIDENT/ST	1ST	\$300,000	\$19,896			
03C-2931	AUTO ACCIDENT/ST	6TH	\$500,000	\$243,500			
02C-1378	AUTO ACCIDENT/ST	2ND	\$60,000	DEFENDANT			
02C-3475	AUTO ACCIDENT/ST	6TH	\$500,000	\$34,355			
03C-2888	AUTO ACCIDENT/ST	5TH		\$5,997			

\*--JURY WAIVED

## NON-JURY TRIAL RESULTS

Week of March 14

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-3267	GSA/CONTRACT	2ND	\$2,259		P-\$2,259	PLAINTIFF
01C-3861	CONDEMNATION	5TH	\$56,600			
04C-3366	GSA/CONTRACT	6TH	\$12,468		P-\$14,965	DEFENDANT
01C-2440	WORKERS COMPENSATION	6TH	10% PPD			
04C-3367	GSA/CONTRACT	1ST	\$6,816		P-\$6,816	DEFENDANT
04C-1301	GSA/CONTRACT	1ST	DISMISSED		P-\$4,000	DEFENDANT

## Another Round of Courtroom Humor (Seriously)

Following are excerpts from actual courtroom trial examinations from around the country. None are attributed to Nashville courtrooms.

Q: Was that the same nose you broke as a child?  
-0-

Lawyer: How do you feel about defense attorneys?  
Juror: I think they should all be drowned at birth.

Lawyer: Well, then, you are obviously biased for the prosecution.  
Juror: That's not true. I think prosecutors should be drowned at birth too.

-0-

Q: Were you alone or by yourself?  
-0-

Q: Do you have any children or anything of that kind?  
-0-

Q: Now, Mrs. Johnson, how was your first marriage terminated?  
A: By death.

Q: And by whose death was it terminated?  
-0-

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

Q: Have you lived in this town all your life?  
A: Not yet.

-0-

Q: What is your date of birth?  
A: July fifteenth.

Q: What year?  
A: Every year.

-0-

Q: "Mr. Slatery, you went on a rather elaborate honeymoon, didn't you?"  
A: "I went to Europe, Sir.

Q: And you took your new wife?"  
-0-

Q: What happened then?

A: He told me, he says, "I have to kill you because you can identify me."

Q: Did he kill you?

-0-

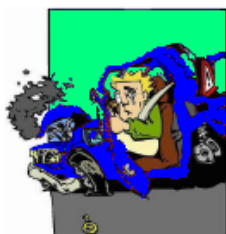
Q: How old is your son, the one living with you.

A: Thirty-eight or thirty-five, I can't remember which.

Q: How long has he lived with you?

A: Forty-five years.





## AUTO ACCIDENTS

### 2005 CASE ANALYSES

PLAINTIFFS 13  
DEFENDANTS 4

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
MARCH	8	8	0	7	0	1

### 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
MARCH	431,049	5,997-243,500	36,310

### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	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
MARCH	338,232	5,997-243,500	47,158

### 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
MARCH	0	0	0	0



### MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
14	12	1	1



### CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
16	11	1	4

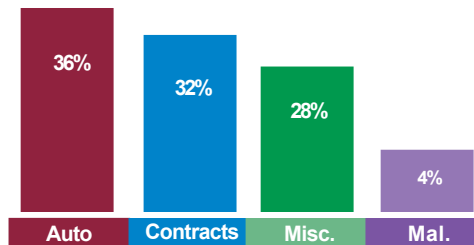
March Cash Awards--\$21,543. Year to Date--\$76,603



### MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
2	0	2	0

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of March

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	297
JURY .....	118
NON-JURY .....	179
CIVIL CASES CONCLUDED .....	294
JURY .....	149
NON-JURY .....	145
NEW DIVORCE CASES FILED .....	244
DIVORCE CASES CONCLUDED .....	188
DOMESTIC PETITIONS FILED .....	293
DOMESTIC PETITIONS CONCLUDED .....	348

#### General Sessions Civil

NEW CASES FILED .....	3,790
EXECUTIONS ISSUED .....	3,176
GARNISHMENT PAYMENTS .....	3,580
JUDGMENTS COLLECTED .....	\$721,597
ORDER OF PROTECTION PETITIONS .....	230

#### Probate Court

NEW CASES FILED .....	183
CASES CLOSED .....	163

#### Traffic Violations

MOVING CITATIONS .....	35,388
PARKING VIOLATIONS .....	5,957
TOTAL FINES COLLECTED .....	\$469,721
NULLIFICATIONS .....	4,427
NULLIFICATION FEES COLLECTED .....	\$53,124

## Bonnyman Receives Justice Scholarship

(From Page 1)

General Jurisdiction course include jury and non-jury trials, docket management, judicial discretion and judicial ethics.

Bonnyman, formerly clerk and master for the 20th Judicial District Chancery Court and a graduate of Vanderbilt University School of Law, was appointed to the bench in September 2003.

The National Judicial College was founded in 1963 and averages 85 courses a year with more than 2,700 judges enrolling from across the nation.

### Did You Realize?

On April 7, Davidson County's court operations celebrated two years at temporary quarters in the Metro Center.

## Rooker Report

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(Circuit Court Clerk, 1968-1993)

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