

Rooker Report

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Court Appearance Dockets to be Reduced to Two Daily in January

Traffic Mail-In Pleas to Become Mandatory

Motorists cited for traffic law violations in Davidson County will soon be required to respond to their citations via the U.S. mail.

Starting January 1, traffic officers will begin issuing newly designed tickets containing a form that must be mailed to the courts stating the manner in which they choose to dispose of their case.

The new procedure, announced by General Sessions Presiding Judge Casey Moreland, will dramatically reduce court dockets and appearances by police officers, thereby resulting in huge savings to taxpayers.

The new way of doing business with the courts takes the current mail-in program, which is optional, to a higher level by requiring a mandatory response. But it provides a greater convenience to cited motorists by giving

them the same plea options without coming to court.

Here are the options to be stated on the form:

1. Plead guilty and pay the fine amount stated on the citation.
2. Plead guilty and request traffic school.
3. Plead not guilty and ask that a court date be set for a hearing.

A new feature will allow optional on-line enrollment for those approved for traffic school.

The mail-in program does not preclude anyone from paying their tickets in person at any time, Moreland pointed out.

Currently, hourly traffic dockets are held seven times a day, bringing hun-

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Moreland Eyes Move, Changes In Third Term



MORELAND

Casey Moreland was in his first one-year term as presiding judge of the General Sessions Court when the county's judicial operations moved to Metro Center in 2003.

He will still be in charge when the move reverses itself next March.

Moreland was retained as the court's presiding judge for a modern day record of three consecutive terms as fellow judges acknowledged his role in bringing state-of-the art technology to a new courts facility.

"He was the logical choice," said Judge Gale Robinson. "He led the charge in the new building

program. He has a good working relationship with the mayor and he has done a tremendous job."

Moreland said he was flattered at the trust placed in him by his fellow judges and took the occasion to make a number of disclosures regarding the

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Trial Courts Select Kennedy to Preside

As judge of the Seventh Circuit Court, Randy Kennedy's daily focus is on dealing with the county's probate matters.

He is a second-year judge whose business acumen is supported by an impressive record as a Metro Councilman and years of private law practice.

Those are some of the credentials that led fellow trial court judges to place him in charge of business operations in an upcoming year of physical change.

Kennedy was named to fill the shoes of Sixth Circuit Judge Tom Brothers as presiding judge of the 18 trial courts, starting September 1. Brothers, who served an unprecedented four years in the leadership role, opted not to be considered.

It will be a year in which the six divisions of criminal court and the clerk's office that serves them will leave temporary quarters at Metro Center and

Please see KENNEDY, Page 3



KENNEDY

David Rutherford: A Chapter Closes on Legal History

When he was a little boy, David Rutherford would ride into town in a horse-drawn wagon and spend time gazing out over the Cumberland River while his father conducted business in the courthouse.

As time wore on, his attention would turn to what was taking place *inside* the building where people's rights were being attacked and defended. It was an inherent fascination that would guide his future as it did the careers of many others in his family.

He would become the senior member of the Rutherford Law Offices of Rutherford, DeMarco & Simons, a firm started by his uncle Alfred G. Rutherford in 1890.

When he passed away this month, David C. Rutherford, Sr., left behind a legacy of self-driven achievement that brought honor to his profession and inspiration for others to follow.

His devotion and unyielding dedication to the Nashville Bar Association were unparalleled. He was an emeritus member, had served as its president and helped charter the Nashville Bar Foundation to meet special needs of the organization's members.

Because of his passion for Nashville legal history, Mr. Rutherford was considered the dean of legal historians. His compilation of facts, case chronicles and other legal events provided the ingredients for two published books. The latest (*Bench and Bar II*, 2003) was underwritten by the bar and sales proceeds were donated toward advancing legal studies for young lawyers at Mr. Rutherford's request.

Mr. Rutherford received his law degree from Vanderbilt Law

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CHEERS...

Congratulations to deputy traffic warrant officer **Joseph Day** upon becoming a father for the first time. Joseph's wife **Tomesia** gave birth to a 7-pound baby boy on July 18. **Jared Philip Day** struck the tape at 19.25 inches.

There is one less bachelor in the Traffic Warrant Office since deputy **Jessie Woodard** tied the knot on August 13. The status change took place at the Mt. Zion Baptist Church in Nashville when **Torria Le'Tesa Swanson** exchanged vows with Woodard in ceremonies attended by family, friends and co-workers who later congratulated the couple at a reception at the Music Valley Expo at Opryland. Bishop **Joseph W. Walker III** officiated the ceremony. Honeymoon plans had to be put on hold because of Woodard's obligation as current foreman of the Davidson County Grand Jury.

Criminal Court Judge **Monte Watkins** has been elected to serve on the executive board of the National Bar Association, an organization of 20,000 members. Watkins was appointed and then elected to one of two new criminal court judgeships last year.

On a table in the Traffic Violations Bureau stands an awesome trophy depicting a second place finish in the World Series for the Cheatham County Cardinals, a team of 11-years and younger baseballers. The trophy was placed there by Deputy Clerk **David Patterson**, who managed the team to the East Tennessee State championship in the AA division of the national USSSA baseball organization, earning them a berth in the World Series at St. Louis. In rolling to the state title, the Cardinals allowed only five runs in as many games while scoring 34 runs. They came within one game of taking the world title, losing to an Arkansas team in the championship game. Members of the Cardinals included David's son **Caleb Patterson** and **Brooks Best**, grandson of Deputy General Sessions Clerk **Brenda Osborne**.

...TEARS

MARTHA WORD SANDERS ARMISTEAD, mother of former Metro Councilman At-Large George Armistead, passed away on July 21. Other than the former councilman, she leaves another son and one daughter.

IRENE HOLLAND, 84, grandmother of deputy General Sessions Civil Division clerk Dawn Martin, passed away on August 11 in Camden where she resided. She was a retired cashier and clerk.

SEPTEMBER BIRTHDAYS

BIRTHSTONE: SAPPHIRE

Circuit Court Clerk

4 **Annecia Donigan**
5 **Anita Carter**
19 **Rob Rutherford**

General Sessions

21 **Stephanie Phillips**

Probate Clerk

18 **Bob Bradshaw**
Ricky Deatherage

Traffic Violations

11 **Bill Cartwright**
20 **Nancy Capps**
22 **Elaine Howell**
24 **Amanda Overstreet**
27 **Leslie Preston**
Don Rosso

Warrant Office

7 **Stephen Leary**
9 **Joey Torrence**
21 **Tony Eden**



Photo by Joseph Day

TRAFFIC WARRANT OFFICER PAT TRIMBLE AT HIS RETIREMENT BREAKFAST THIS MONTH. THE 33-YEAR VETERAN TOOK HIS SERVICE PENSION AFTER SERVING 13 YEARS IN THE WARRANT OFFICE.

Veteran Pat Trimble Ends 33-Year Career

Pat Trimble, who began his public service career as a police department dispatcher in 1972, was honored at a retirement breakfast this month in the Traffic Warrant Office where he spent the last 13 years as a deputy.

Co-workers and friends were on hand to extend best wishes to the veteran government employee, whose 33 years of service also included an 11-year stint as a court officer, first for his father, retired Circuit Court Judge Benson Trimble and later Judge Muriel Robinson.

On hand for the going-away breakfast was Circuit Court Clerk Richard Rooker, who commended Trimble's longevity as a loyal and dedicated employee.

Trimble said he had no specific plans for his retirement, other than rooting for his favorite baseball team, the Atlanta Braves. He was known for wearing a Braves necktie to work each time the Braves won a game. He took a more casual approach at his retirement breakfast, however, donning a Braves baseball cap.

Legal Community Mourns Death Of Legal Historian David Rutherford

(From Page 1)

School following a stint in World War II with the Merchant Marines and undergraduate work at Peabody College. He entered law practice after serving for two years as Congressional Secretary to then-U.S. Sen. Albert Gore, Sr.

In the courtroom, Mr. Rutherford's work covered a broad range of trial and appellate cases, several of which became fodder for daily conversations at the famous "Roundtable" breakfast gatherings of fellow attorneys at the Stahlman Building. Mr. Rutherford was a regular there and was allowed to bring his own bag of raisins for his "usual" bowl of oatmeal. Often, he would bring eggs from his own chickens and give them to fellow lawyers.

He was a gentle man and personified the image of a Southern Gentleman, a trait that was appreciated by court personnel, as well as clients, judges and fellow barristers. Many were there on August 23 to pay final respects.

NON-JURY TRIAL RESULTS

APPEALS	
GENERAL SESSIONS	
JUDGMENT	APPELLANT
DISMISSED	PLAINTIFF
P-\$50	DEFENDANT
DEFENDANT	PLAINTIFF
P-\$1,000	DEFENDANT

Week of July 11

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-3678	AUTO ACCIDENT	1ST	\$5,000+costs			
05C-332	GSA/CONTRACT	1ST	\$3,000			
05C-1021	TRAFFIC APPEAL	1ST	TRAFFIC SCHOOL			
03C-713	CONTRACT	2ND	UNDER ADVISEMENT			
03C-2689	GSA/CONTRACT	1ST	\$7,000			
05C-382	GSA/AUTO ACCIDENT	1ST	DEFENDANT	P-50%		
05C-464	DAMAGES	1ST	\$105,276			

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1919	AUTO ACCIDENT/ST	1ST	\$105,000	DEFENDANT			
02C-880	AUTO ACCIDENT/ST	2ND	\$700,000	DEFENDANT			

Kennedy

FROM PAGE 1

move into the new courts building downtown, leaving Kennedy's probate court and clerk's office and Eighth Circuit Court the only remaining judicial occupants of the 601 Mainstream Drive building. But since General Sessions operations and the Traffic Violations Bureau will be leaving the First Image Building down the street, Kennedy and company will relocate there until the downtown Courthouse renovation is completed sometime late next year.

For now, Kennedy says it's "steady as it goes" and that he plans to utilize the same methods employed by his predecessor. That means overseeing the courts' operating budget, working with the trial courts coordinator, handling case assignments, managing the mental health docket, scrutinizing proposed legislation, dealing with personnel issues, utilizing special and substitute judges and security issues. You get the picture.

The trial courts consist of eight circuit, six criminal and four chancery courts.

"Our concerns are not always the same," said Kennedy, "but we are all interested in providing consistent, open court systems."

Kennedy said that while the courts have operated amazingly well and without major incident in their temporary quarters, security is of main concern. He pointed to recent tragedies in other places as a growing decline in peoples' respect for the judicial system.

"There is a marked decline in peoples' respect for one another and they are losing respect for their institutions," he said. "The judicial system was always considered a revered public arena. One of my jobs will be to help foster a return to that level of respect."

Judge Kennedy applauded Brothers for his leadership role in bringing technology to the courtrooms and said those same advancements will be present in all courts when the courthouse renovation is complete.

Moreland

FROM PAGE 1

forthcoming relocation, which will return both the General Sessions and Criminal Courts to the downtown area.

"The mayor has assured me that the new courts building will be ready for occupancy on March 13," said Moreland. "So, we will be arranging our schedules and dockets accordingly."

Moreland followed that announcement with news of several changes in the way the court handles certain cases and what patrons can expect in improved technology.

CHANGES: The number of daily civil case dockets will be reduced from three to two and a criminal docket will be added. "That's where we have a backlog," Moreland said, adding that jail dockets would be incorporated into other criminal dockets and not heard separately.

Traffic dockets will be reduced from seven to two per day, conforming to a new mandatory mail-in plea form program announced elsewhere in this report.

TECHNOLOGY: Electronic docket monitors will be located in the hallways to help patrons find their assigned courtrooms, etc.

Each courtroom will be equipped with an audio recording system that will record all proceedings and make digitized recordings available upon request.

Additionally, Moreland said, "We are working with NES toward getting a wall built around the adjacent power substation so it won't distract from the beauty of the new building."

Traffic

FROM PAGE 1

dreds of cited motorists to court, primarily to pay their fines or ask to be enrolled in school.

"Our records show that less than 2 percent of those coming to court are pleading not guilty and requesting a hearing," said Moreland, adding that the new response form will eliminate that inconvenience and provide a date certain for arresting officers to be in court.

"Now, there are between 15-20 police officers in the courtroom every day," Moreland said. "It is a ridiculous waste of manpower when they could be on the streets performing other duties."

Consequently, Moreland announced that the number of traffic court dockets would be reduced to two a day, starting with the introduction of the new mail-in form.

Those who are cited for offenses will have 45 days in which to mail in their plea forms, Moreland noted. Those requesting school will be notified by return mail as to whether they are eligible and, if so, the date of their class. The same procedure will apply to those who want a court hearing.

Those who fail to mail in their forms can expect penalties.

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(Circuit Court Clerk, 1968-1993)

Richard R. Rooker.....Circuit Court Clerk
Gene Baker.....Editor



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AUTO ACCIDENTS

CASE ANALYSES

PLAINTIFFS 20
DEFENDANTS 13

RATIO: PLAINTIFFS 1.7-1

PERIODICAL OVERVIEW

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY '05	4	4	0	2	2	0
FEBRUARY	6	6	0	4	2	0
MARCH	8	8	0	7	0	1
APRIL	6	4	2	3	3	0
MAY	2	2	0	1	1	0
JUNE	4	2	2	2	2	0
JULY	4	2	2	1	3	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
MARCH	431,049	5,997-243,500	36,310
APRIL	111,645	1,133-108,262	2,250
MAY	39,000	N/A	N/A
JUNE	7,504	N/A	N/A
JULY	N/A	N/A	N/A

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
APRIL	2,500	N/A	N/A
MAY	N/A	N/A	N/A
JUNE	6,800	N/A	N/A
JULY	5,000	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
APRIL	109,395	1,133-108,262	N/A
MAY	39,000	N/A	N/A
JUNE	7,504	N/A	N/A
JULY	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
MARCH	0	0	0	0
APRIL	4,750	2	0	0
MAY	N/A	N/A	N/A	N/A
JUNE	6,800	1	0	0
JULY	5,000	1	1	0

Civil Trials By Class



DATA BANK

Statistics compiled for the month of July

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	238
JURY	104
NON-JURY	134
CIVIL CASES CONCLUDED	263
JURY	137
NON-JURY	126
NEW DIVORCE CASES FILED	199
DIVORCE CASES CONCLUDED	173
DOMESTIC PETITIONS FILED	235
DOMESTIC PETITIONS CONCLUDED	215

General Sessions Civil

NEW CASES FILED	3,782
EXECUTIONS ISSUED	2,793
GARNISHMENT PAYMENTS	3,205
JUDGMENTS COLLECTED	\$618,933
ORDER OF PROTECTION PETITIONS	273

Probate Court

NEW CASES FILED	166
CASES CLOSED	187

Traffic Violations

MOVING CITATIONS	36,024
PARKING VIOLATIONS	4,897
TOTAL FINES COLLECTED	\$473,173
NULLIFICATIONS	4,152
NULLIFICATION FEES COLLECTED	\$49,824

MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
33	23	5	5

CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
27	19	1	7

July Cash Awards--\$12,000. Year to Date*--\$121,074

MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
5	2	3	0