

# Rooker Report

September 2005

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## State Regulation Bans School for Cited Commercial Licensed Drivers

### Does New Law Apply to Metro Citations?

A new state regulation that prohibits commercial licensed drivers from attending traffic school after they have been cited for certain moving violations has General Sessions judges wondering if the law applies to Metro citations as well.

The new regulation went into effect this month in compliance with an edict from the federal Homeland Security program, which attached highway funding sanctions as a penalty for noncompliance.

The law states that persons operating a

vehicle with a commercial drivers license (CDL) are ineligible to attend traffic classes if they are cited for speeding, reckless driving or careless driving. And judges are prohibited from reducing, or masking, the charges to a lesser offense, regardless of the circumstances.

Presumably, the law applies to CDL drivers who are cited while operating their own private vehicles as well as commercial carriers.

Consequently, CDL drivers are left with two

options--plead guilty and pay the fine or ask for a trial to plead their innocence. A conviction brings points against the person's driving record, a penalty that is forgiven for those completing traffic school programs.

The regulation is definitely in force for state citations, but is in question as to tickets written under Metro jurisdiction. Fine limitations in Metro are much less than those imposed by the state, pointing up more

See NEW STATE LAW, Page 3

### Clerk's Offices Get PO Box Numbers

New procedures have been adopted to help facilitate mail service to many Metro offices, including all of those maintained by Circuit Court Clerk Richard Rooker.

The new procedure includes the addition of Post Office Box numbers to ensure proper routing on a more expedient schedule.

The system is being implemented to conform to new service techniques when the courts return to downtown facilities next year.

Rooker is asking that the PO Box numbers be included now, along with the physical addresses, on all postal mailings to the clerk's offices of Circuit, Probate, General Sessions Civil and Traffic Violations.

Following is a listing of current office addresses, including PO Box numbers, which will remain the same after the move.

Circuit Court Clerk's Office  
523 Mainstream Drive  
PO Box 196303  
Nashville, TN 37219-6303

Probate Court Clerk's Office  
601 Mainstream Drive  
PO Box 196300  
Nashville, TN 37219-6300

General Sessions Civil Division  
501 Great Circle Road  
PO Box 196304-6304  
Nashville, TN 37219

Traffic Violations Bureau  
501 Great Circle Road  
PO Box 196302  
Nashville, TN 37219-6302

### Metropolitan General Sessions Court



2004  
ANNUAL REPORT  
&  
OVERVIEW

Davidson County, Tennessee

### Brochure Cover Features New Courts Building

General Sessions Court has released its annual report for calendar year 2004, providing a covershot look into the future.

A rendering of the soon-to-be-completed A.A. Birch Courts Building is suspended alongside the scales of justice as a tribute to its architectural beauty. It will gain its first tenants next March when General Sessions and Criminal Court operations take up residency.

It is the first time the annual publication has not featured photos of the judges on the cover.

This year, the judges are featured individually inside the large, foldout brochure, which utilizes full color to illustrate its achievements of the reporting year.

The report is available to the general public at each of the General Sessions clerk's offices.

Besides being chocked with photos, the report offers a complete overview of the court's functions in words supported by charts and graphs. It is both entertaining and informative with such features as addresses and phone numbers of all judges, their administrative staff and night court commissioners.

You can learn about the court's jurisdiction and its affiliated services, including Mental Health and Drug Treatment courts, Traffic Safety, DUI Intervention and Probation, just to mention a few.

And it's free for the asking.

## CHEERS...

**John Keenan II**, a veteran employee of the General Sessions Court's DUI School, has been named "Professional of the Year" by both the Middle Tennessee and the Tennessee Associations of Alcohol and Drug Abuse Counselors. The two awards were presented to Keenan just weeks apart in recognition of his professional contributions as a counselor at both the local and state levels. His duties include conducting assessments of clients who complete DUI classes while serving their jail time and performing assessments for the General Sessions Court Probation Department. He began his service to the court as an instructor in 1987 and later became the DUI School's first fulltime counselor. "John is an asset to the General Sessions Court and we are glad to have him as a part of our team," said Presiding Judge Casey Moreland.



JOHN KEENAN

When Circuit Court Clerk **Richard Rooker** wants to pump up his ego, he heads down I-65 to Alabama, finds a Robert Trent Jones golf course and pops a hole-in-one. Or at least that's what he has done three times now. His last ace came on the RT Jones Senator Course in Prattville on September 2 when he used a 3-iron to sink his tee shot on the 204-yard second hole. There must be something in the air down there. Whatever the reason, Rooker is now two-up on mother **Betty Rooker**, who shot a hole-in-one right here in Nashville a few months ago. It's a family thing.

## ...TEARS

**JOHN L. MURRAY**, 70, former chief clerk of the Circuit Court Clerk's Office, passed away suddenly at his home on September 16. He retired from the clerk's office in 1990 after 19 years of service. His wife Betty Murray, who survives, also is a retiree from the clerk's office.

**R.G. MCLENDON**, 55, brother of Metro Property Assessor Jo Ann North, suffered a fatal heart attack at his home in Madison on the evening of September 24. He was the manager of the Hermitage Steak House.

**MARY UNDERWOOD**, 104, grandmother of Deputy Circuit Court Clerk Bill Riggs, passed away at the Mount Pleasant Retirement Home in Monroe, Ohio on September 12. "She was in good health and of sound mind to the very end," said Riggs, who characterized his grandmother as a person who was kind to everyone. "She constantly invited strangers into her small house to sit at her table and shared whatever she had to eat," Riggs said. "That was her life and her ministry."

**TONY COHEN**, 44, son-in-law of traffic warrant officer Roy Bohannon, passed away on September 11 from the effects of two strokes. He had served as chef at the Brentwood Country Club for 12 years.

## OCTOBER BIRTHDAYS

### BIRTHSTONE: TOURMALINE

**Circuit Court Clerk**  
6 Carolyn Davis

**General Sessions**  
9 Margaret Larobardiere

**Probate Clerk**  
22 Tom Hudson

### Traffic Violations

2 Ashley Gerald  
9 Kim Soto  
21 David Patterson  
23 Melba Suarez-Borda  
24 Mary Archey  
30 Susan Grannis

**Warrant Office**  
3 Joe Hurt Jr.

## Employee Clothing Drive Aids Katrina Victims



When Hurricane Katrina wreaked havoc in New Orleans, the benevolent spirit struck a chord with employees of the General Sessions Civil Division and Traffic Violations Bureau, who collectively donated enough clothes to almost fill a semi-tractor trailer.

The clothing drive was headed up by the civil division's Brenda Osborne (third from right in picture below) and co-worker Denise Dill (left), whose dad Bill Rediker (right) volunteered to drive the goods to a Brentwood distribution point for evacuees in this area. Ron Bailey Truck Lines provided the truck. Also pictured are Joseph Day and Daniel Pigue of the Traffic Warrant Office and Sandra Perryman, civil division bookkeeper.

The scene above represents a portion of the bagged and boxed clothing that was cached in the General Sessions Clerk's Office during the collection period. The clothing was bundled and labeled separately for men, women and children survivors of the tragic storm. Joanie Young of the Traffic Warrant Office joins Dill and Day in arranging the parcels for loading.



Photos by Margaret Larobardiere

## Rooker Report

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Internet @ [www.nashville.gov/circuit](http://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, Margaret Larobardiere (862-5204)

## AUGUST JURY TRIALS

### APPEALS

### GENERAL SESSIONS

#### Week of August 15

#### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-2260	AUTO ACCIDENT	2ND		DEFENDANT			
04C-762	AUTO ACCIDENT	6TH		\$130,314			
04C-253	PERSONAL INJURY	2ND		\$210,000	( D-55, P-45)		
04C-2408	GSA/AUTO ACCIDENT	1ST		\$1,072	(D-85, P-15)	P-\$8,247	DEFENDANT

#### Week of August 22

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1844	AUTO ACCIDENT	1ST		\$7,738			
04C-2468	PERSONAL INJURY	2ND		DEFENDANT			
02C-2197	AUTO ACCIDENT	6TH		\$74,503			

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
*02C-1561	AUTO ACCIDENT/ST	5TH		\$330,000			

\*--NON-JURY

## NON-JURY TRIAL RESULTS

### APPEALS

### GENERAL SESSIONS

#### Week of August 1

#### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-351	CONTRACT	5TH		\$23,490			
05C-885	GSA/CONTRACT	5TH		\$8,500		P-\$15,500	DEFENDANT
05C-1084	ASSAULT	7TH		DISMISSED			
05C-66	GSA/PROPERTY DAMAGE	6TH		\$1,335		DEFENDANT	PLAINTIFF
05C-1104	GSA/CONTRACT	7TH		\$6,834		P-\$12,890	DEFENDANT
04C-2496	DAMAGES	1ST		\$1,500			
04C-604	DAMAGES	1ST		\$80,000			
05C-1101	GSA/CONTRACT	6TH		DEFENDANT		P-\$2,221	DEFENDANT
05C-801	GSA/PROPERTY DAMAGE	1ST		\$7,200		P-\$9,525	DEFENDANT
05C-537	GSA/TRAFFIC TICKET	6TH		DEFENDANT			DEFENDANT
04C-1124	SLIP/FALL	5TH		DEFENDANT			

## General Sessions Committees

Presiding Judge Casey Moreland has selected the following committees to oversee specific areas of business for the current year.

**TRAFFIC COURT**--\*John Brown, Bill Faimon, Aaron Holt, Mike Mondelli.

**CIVIL COURT**--\*Dan Eisenstein, Leon Ruben, Gloria Dumas, Sue Evans.

**CRIMINAL COURT**--\*Mike Mondelli, Sue Evans, Gale Robinson, John Brown.

**DOMESTIC VIOLENCE**--\*Gloria Dumas, Bill Faimon, Aaron Holt, Mike Mondelli.

**PROBATION**--\*Gloria Dumas, John Brown, Bill Higgins, Aaron Holt.

**PLANNING COMMITTEE**--\*Dan Eisenstein, Aaron Holt, Gloria Dumas, Leon Ruben, Gale Robinson.

**BAR LIAISON**--\*William Faimon, Leon Ruben, Mike Mondelli, Dan Eisenstein.

**TRIAL COURT LIAISON**--\*William Higgins, Mike Mondelli, Bill Faimon.

**COMMISSIONERS**--\*Sue Evans, Gloria Dumas, Gale Robinson.

**ADMINISTRATIVE PERSONNEL**--\*Gale Robinson, Gloria Dumas, John Brown, Bill Faimon, Aaron Holt.

**LEGISLATIVE-EXECUTIVE**--\*Leon Ruben, Bill Higgins, Aaron Holt, Gloria Dumas.

\*--Denotes committee chair.

## New State Law Targets Commercial Drivers

(From Page 1)

uncertainty among local jurists.

General Sessions Presiding Judge Casey Moreland, bewildered by the implications of the new law, says he is looking into the matter and might ask for a legal opinion from the state attorney general.

In the meantime, Moreland said he would proceed under the assumption that the law does not apply to Metro citations. He added, however, that each individual judge could apply their own interpretation.

What is the purpose of not allowing commercial drivers to attend traffic school?

"I'm lost on that point," said Moreland. "I would certainly hate to see a truck driver lose his job for speeding to get his pregnant wife to a hospital."

Moreland said he also has questions about the constitutionality of the law and would expect the trucking industry to challenge that issue.

Judge Sue Evans agrees, saying that "it doesn't seem fair to single out one class of drivers."

Stay tuned. The issue will be revisited.

## AUTO ACCIDENTS

### CASE ANALYSES

PLAINTIFFS 25  
DEFENDANTS 14

RATIO: PLAINTIFFS 2-1

### 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
AUGUST	6	6	0	5	1	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
AUGUST	543,627	1,072-330,000	7,085

### 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
AUGUST	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
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
AUGUST	330,000	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
AUGUST	1,072	1	0	0

## Civil Trials By Class



## DATA BANK

Statistics compiled for the month of August

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	244
JURY .....	119
NON-JURY .....	125
CIVIL CASES CONCLUDED .....	299
JURY .....	186
NON-JURY .....	113
NEW DIVORCE CASES FILED .....	197
DIVORCE CASES CONCLUDED .....	300
DOMESTIC PETITIONS FILED .....	384
DOMESTIC PETITIONS CONCLUDED .....	290

#### General Sessions Civil

NEW CASES FILED .....	*4,555
EXECUTIONS ISSUED .....	3,277
GARNISHMENT PAYMENTS .....	3,560
JUDGMENTS COLLECTED .....	\$705,953
ORDER OF PROTECTION PETITIONS .....	305

\*--DENOTES RECORD.

#### Probate Court

NEW CASES FILED .....	177
CASES CLOSED .....	163

#### Traffic Violations

MOVING CITATIONS .....	38,346
PARKING VIOLATIONS .....	4,897
TOTAL FINES COLLECTED .....	\$576,516
NULLIFICATIONS .....	4,591
NULLIFICATION FEES COLLECTED .....	\$55,092

### MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
42	28	9	5

### CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
31	22	2	7

August Cash Awards--\$38,824. Year to Date--\$159,898

### MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
5	2	3	0