

Rooker Report

October 2005

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Changing Courts

John Brown has announced he will not seek re-election to a fourth term as judge of the General Sessions Court's Division V.



William Faimon has said he will retire after three terms as judge of the General Sessions Division III Court



Higgins Celebrates 25 Years on Bench

General Sessions judges threw a party this month to celebrate the anniversary of fellow judge William Higgins, who hit the 25-year mark on the bench in September.

He has served longer than any other judge on the General Sessions Court and is gearing up to seek another eight-year term next year.

"Some folks have misinterpreted the luncheon announcement as being my retirement party," he laughed, referring to flyers mailed out by his benchmates. "I don't want anyone to get the wrong idea. I'm here for the duration."

Higgins, 66, was first elected to the bench in 1980, defeating then-State Rep. Dick Clark in the Democratic primary and going on to replace Judge John Nixon, who was appointed to a federal judgeship. He has run unopposed ever since.

Prior to becoming a judge, Higgins was elected to the Metro Council for three four-year terms, representing constituents of the 24th District. It was during his third term that he sought and won the judgeship, surrendering his council seat and a private law practice.

Higgins has served one year longer than fellow judge Leon Ruben, who will celebrate his 25th anniversary next September. Only First Circuit Judge Hamilton Gayden has seniority on Higgins. Gayden has served since 1978.

"I have enjoyed it and I feel like I have improved my job performance every year," he said. "I look forward to serving the county at least one more term."

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Shipley Will Trade Robe For Mediation Venture

Second Circuit Judge Will Not Seek Third Term

Declaring a desire to explore new ventures in mediation, Marietta Shipley announced this month that she will not seek a third term as judge of the Second Circuit Court.

The longtime advocate of alternative dispute resolution in civil and family law told fellow trial court judges at their monthly luncheon this month that she hungered for a new challenge in the area of law in which she is most passionate.

To that end, she said a new career would lead her into the untested waters

of formulating a law firm to specialize in alternative dispute resolution, as well as offering other court services. It is a new idea that has not been tried, she said, but one that has great possibilities.

Shipley, 59, assumed the bench in 1990 when she defeated incumbent Judge Harry Lester, now deceased. She won re-election eight years later to a second term that expires next September.

Until 2004, Shipley heard 25 percent of all divorce cases in Davidson County and es-

established a rule requiring all divorcing parents to attend planned parenting classes, a pilot project for the Parenting Plan statute. When Eighth Circuit Court was designated a full-time domestic court, Judge Carol Soloman assumed 50 percent of the divorce caseload in an equal division with Fourth Circuit Judge Muriel Robinson.

During her tenure as judge, she handled civil jury trials that included mass tort, malpractice cases, auto accidents and class actions.

Shipley's gravitation to an extended career in mediation is understandable. She was instrumental in its inception, having served on the ADR Commission from 1984 to 2000 to formulate rules that were eventually adopted by the State Supreme Court in 1997.

With the growing popularity of the ADR concept as a less expensive al-



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CHEERS...



Circuit deputy clerk **Deanna Alexander** is on maternity leave after giving birth to a bouncing baby girl on October 11. **Aeryn Claire Alexander** arrived right on schedule, weighing 5-pounds, 10.5 ounces and hitting the tape at 18 inches. It was the second child for Deanna and husband **Ben**, who are equally proud of son Carson.

Former employees **Mike** and **Cathy Garrett** also had a new addition with the birth of **Jacob Gregory Garrett**, the couple's third son. Jacob was born in Lexington, Ky., where Mike and Cathy now reside. He weighed 8-pounds, 2 ounces and measured 20 inches in length and rounds out a trio that includes **John Michael** and **Christopher**. In case you have forgotten, dad is our former chief computer technician and mom was a deputy in our probate clerk's office.

And let's hear it for **Forrest Garrett** (not related) upon the birth of his fifth grandchild. **Charles Everett Winfrey III** weighed 8 pounds, 15 ounces and measured 22.75 inches when he arrived on September 17. The proud granddad, who created a lapel button bearing the newborn's picture and vital statistics, is a court officer for General Sessions Judge **Leon Ruben**.

The much-honored General Sessions Court Traffic School has won more awards from the National Safety Council. Presiding Judge Casey Moreland and traffic school director **Wayne Curry** recently accepted awards for Best Performance for the school's Alive-at-25 program and honorable mention for its DDC-4 and DDC-8 programs. Traffic schools from every state in the union were on hand for the awards presentations in Orlando last month. The latest awards keep intact a continuous string of such honors that began 15 years ago.

Applause to the General Sessions Court's new web site, which was launched this month. The site offers information on every function of the diverse court and is designed for easy navigation. We will feature a tour of the site next month. But you don't have to wait. Go to www.gscourt.nashville.gov and check it out now.

...TEARS

SUSIE NEUHOFF, 82, aunt of Deputy Circuit Court Clerk Suzanne Parker, passed away on October 14 at Alive Hospice following a four-month battle with cancer.

NOVEMBER BIRTHDAYS

BIRTHSTONE: CITRINE

Circuit Court Clerk

- 11 Bill Riggs
- 12 Tim Ray
- 14 Stephanie Hill

Probate Clerk

- 1 Ruth Lester

General Sessions

None

Traffic Violations

- 3 Monica England
- 13 Patsy Jackson
- 24 Dinah Williams
- 26 Rhonda Bright
- Nick Lane

Warrant Office

None

Daylight Saving Time ends at 2 a.m. on Sunday, October 30. Turn clocks back one hour before retiring on Saturday night. You will have an extra hour to sleep, but payback will come in March.



Happy Halloween, Holidays to Follow

The traditional holiday season begins in November when the courts and their affiliated operations will be in recess for Veterans Day and Thanksgiving.

No business will be conducted on Friday, November 11--the day that Americans honor those who have fought to defend our freedom.

Thanksgiving will be observed on Thursday, November 24 and the following day.

Regular office hours will resume on Monday, November 28.

With Christmas Day falling on a Sunday, the clerk's offices will be closed on Friday, December 23 through Monday, December 26.

New Year's Day will be observed on Monday, January 2.

Higgins Celebrates 25th Anniversary on Bench

(From Page 1)

Despite his longevity, Higgins has never held the position of presiding judge. He has declined the job several times, preferring to "leave the administrative details to others" and concentrating on "trying cases."

Higgins and wife Janice are the parents of three and grandparents of seven. Their only son Jim is a successful attorney. Their two daughters are Jill, a businesswoman in California, and Julie, who lives in Nashville.

Rooker Report

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AUGUST JURY TRIALS

APPEALS

GENERAL SESSIONS

Week of September 12

CIRCUIT COURT

| CASE | TYPE | COURT | PRAYER | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|--------------|--------------------|-------|--------|------------------|------------|----------|-----------|
| 02C-1684 | AGE DISCRIMINATION | 2ND | | DEFENDANT | | | |
| 01C-2411 | *CONTRACT | 3RD | | UNDER ADVISEMENT | | | |
| *JURY WAIVED | | | | | | | |

Week of September 19

| CASE | TYPE | COURT | PRAYER | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|-----------------------|-------|--------|------------|------------|----------|-----------|
| 04C-989 | MEDICAL MALPRACTICE | 5TH | | DEFENDANT | | | |
| 02C-2427 | THIRD PARTY COMPLAINT | 6TH | | \$260,567 | | | |
| 02C-3498 | PERSONAL PROPERTY | 7TH | | \$222,449 | | | |
| 03C-2049 | PERSONAL INJURY | 1ST | | P-No AWARD | | | |

NON-JURY TRIAL RESULTS

CIRCUIT COURT

APPEALS

GENERAL SESSIONS

| CASE | TYPE | COURT | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|-------------------|-------|------------------|------------|------------|-----------|
| 05C-709 | GSA/PROPERTY | 1ST | \$500 | | P-\$250 | DEFENDANT |
| 05C-1102 | GSA/AUTO ACCIDENT | 6TH | \$12,247 | | P-\$4,992 | PLAINTIFF |
| 03C-600 | PERSONAL INJURY | 5TH | UNDER ADVISEMENT | | | |
| 03C-2569 | CONTRACT | 6TH | \$10,374 | | | |
| 05C-207 | PROPERTY DAMAGE | 7TH | DEFENDANT | | | |
| 04-3435 | GSA/DETAINDER | 1ST | \$15,000 | | P-\$14,143 | DEFENDANT |
| 05C-435 | CONTRACT | 6TH | \$53,632 | | | |
| 04C-1524 | THEFT | 7TH | \$38,550 | | | |
| 05C-1722 | GSA/AUTO ACCIDENT | 1ST | DEFENDANT | | DISMISSED | PLAINTIFF |
| 05C-1799 | CONTRACT | 5TH | \$5,826 | | | |
| 05C-1795 | GSA/CONTRACT | 6TH | \$2,000 | | P-\$6,000 | DEFENDANT |

Shipley Will Not Seek Third Term on Bench

(From Page 1)



ternative to courtroom trials, Shipley hopes her expertise can help bring about an even more effective approach for participating litigants.

"I have had a very interesting career as a judge," she explained. "Now, I just want to add one more professionally related segment to my work life."

"I have enjoyed being a judge," said the jurist whose first career was spent in Davidson County

classrooms as a high school teacher. "Attorneys have been such great teachers. I have enjoyed interacting with them and the different types of litigants, from pro se to professional."

She said she was glad to have worked with such a hard working and cooperative Bar, "who genuinely represents their clients well while maintaining civility among themselves."

Shipley was highly complimentary of changes that have improved the judicial



emphasized.

Shipley said what she will miss the most are the wonderful friendships with her fellow judges, clerks and her past and present staffs, "particularly Lisa Smith, Ronnell Griffin, Barbara Eddings, Cheryl Kennedy and all my former law clerks."

system's operations during the past few years. She singled out the introduction of computers, more sophisticated case management, improved jury selection methods and technological advancement that offers video tapings of proceedings in some courtrooms.

"This makes us truly a court of record," she em-



Personality Photos by Margaret Larobardiere

AUTO ACCIDENTS

CASE ANALYSES

PLAINTIFFS 25
DEFENDANTS 15

RATIO: PLAINTIFFS 1.6-1

PERIODICAL OVERVIEW

| | TOTALS | JURY | NON-JURY | PLAINTIFF | DEFENDANT | NONE |
|---------------|--------|------|----------|-----------|-----------|------|
| JANUARY-MARCH | 18 | 18 | 0 | 13 | 4 | 1 |
| APRIL-JUNE | 12 | 8 | 4 | 6 | 6 | 0 |
| JULY | 4 | 2 | 2 | 1 | 3 | 0 |
| AUGUST | 6 | 6 | 0 | 5 | 1 | 0 |
| SEPTEMBER | 1 | 0 | 1 | 0 | 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 |
| SEPTEMBER | 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 |
| AUGUST | N/A | N/A | N/A |
| SEPTEMBER | N/A | N/A | N/A |

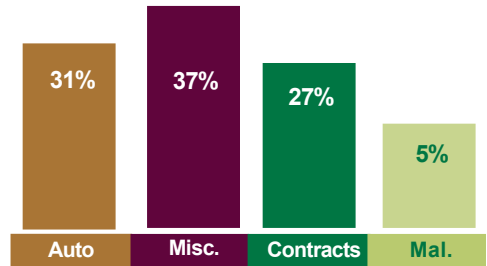
SOFT TISSUE CASES

| 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 |
| SEPTEMBER | 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 |
| AUGUST | 1,072 | 1 | 0 | 0 |
| SEPTEMBER | N/A | 0 | 1 | 0 |

Civil Trials By Class



DATA BANK

Statistics compiled for the month of September

CASE INFORMATION

Circuit Court

| | |
|------------------------------------|-----|
| NEW CIVIL CASES FILED | 327 |
| JURY | 196 |
| NON-JURY | 131 |
| CIVIL CASES CONCLUDED | 232 |
| JURY | 144 |
| NON-JURY | 88 |
| NEW DIVORCE CASES FILED | 196 |
| DIVORCE CASES CONCLUDED | 140 |
| DOMESTIC PETITIONS FILED | 358 |
| DOMESTIC PETITIONS CONCLUDED | 270 |

General Sessions Civil

| | |
|-------------------------------------|-----------|
| NEW CASES FILED | 3,678 |
| EXECUTIONS ISSUED | 3,291 |
| GARNISHMENT PAYMENTS | 3,586 |
| JUDGMENTS COLLECTED | \$684,922 |
| ORDER OF PROTECTION PETITIONS | 254 |

*--DENOTES RECORD.

Probate Court

| | |
|-----------------------|-----|
| NEW CASES FILED | 184 |
| CASES CLOSED | 173 |

Traffic Violations

| | |
|------------------------------------|-----------|
| MOVING CITATIONS | 33,710 |
| PARKING VIOLATIONS | 5,468 |
| TOTAL FINES COLLECTED | \$496,347 |
| NULLIFICATIONS | 4,293 |
| NULLIFICATION FEES COLLECTED | \$51,516 |

MISCELLANEOUS

| YTD | PLAINTIFFS | DEFENDANTS | NO VERDICT |
|-----|------------|------------|------------|
| 50 | 33 | 11 | 6 |

CONTRACTS

| YTD | PLAINTIFFS | DEFENDANTS | NO VERDICT |
|-----|------------|------------|------------|
| 36 | 26 | 2 | 8 |

September Cash Awards--\$71,832. Year to Date--\$231,730

MEDICAL MALPRACTICE

| YTD | PLAINTIFFS | DEFENDANTS | NO VERDICT |
|-----|------------|------------|------------|
| 6 | 2 | 4 | 0 |