

Rooker Report

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The passing of an era...

By THOMAS NELSON
PRESIDING MAGISTRATE,
DAVIDSON COUNTY NIGHT COURT

Stop what you are doing and observe a moment of

silence. Thank you.

On Tuesday, January 24, 2006, Night Court, as it has been known to generations of Nashvillians became a nostalgic memory.

The process of conducting probable cause hearings before Davidson County's Judicial Commissioners changed permanently. No more "live" public viewing of the proceedings as there is nothing to see from the gallery; the news media will not be able to film police officers and their arrestees appearing before the Magistrate in the flesh; no more will law students, criminal justice students and the just curious be able to watch "live" proceedings.

As part of the renovations of Metro's Criminal Justice Center (CJC), audiovisual technology has been installed. The hearings are now conducted by secured audiovisual, voice activated circuitry. All parties, including the Magistrate, the arresting officer and the defendant (if in custody) can see and hear each other simultaneously. Officers and defendants appear before the Magistrate from separate booths in the booking room via a split-screened monitor. Officers and defendants have a telephone-styled handset while the Magistrate has a hands-free open microphone emanating from the monitor on the bench.

Crime victims, otherwise known as "private prosecutors," still personally appear in Night Court before the Magistrate to give their testimony and sign the requisite Affidavits of Complaint. After examining the affiant, arresting officer or victim, if probable cause is found, the Magistrate approves the affidavit(s) of complaint and cause a warrant, or warrants, to issue, and, if the defendant is in custody, set the bail as well as conditions of release if the defendant should make bail or post a bail bond.

For over two years, probable cause hearings by video conferencing between Night Court and the Metro Police Department Domestic Violence Division have been ongoing without a single hitch. However, the probable cause video conferencing system is far more complicated and complex.

Some matters still are conducted in open court. Attorneys may still appear personally and make a bail argument on behalf of their client before the Magistrate. Applications for Or-



NOMINATED

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SCHOLARSHIP

Nashville School of Law
Student is Holly Russell
grant recipient....Page 2



Clerk Names Cartwright Director of Operations

Circuit Court Clerk Richard Rooker has named longtime deputy Tracy Cartwright to the position of Director of Operations to oversee internal affairs for the four departments under his authority.

Cartwright, who has held a number of leadership positions during her 18-year career with the clerk's office, officially assumed her new responsibilities earlier this month.

In her new role, she will work with chief clerks of circuit, probate, general sessions civil division and traffic violations to uniformly apply Rooker's operational policies, objectives and initiatives. Those objectives include strategic planning, process improvement, staff development, organizational effectiveness and management effectiveness.

In announcing the appointment, Rooker noted the versatility of judicial rules governing the various areas of procedures within his jurisdiction and praised Cartwright's personal pursuit of understanding and seeking ways to incorporate more effective methods in each area.

"Tracy has demonstrated through hands-on experience and classroom devotion her ambition to not only carry out the governing procedures of this office, but to apply new methods for greater efficiency and productivity," said Rooker.

Cartwright joined the circuit court clerk's staff



TRACY CARTWRIGHT to oversee operational policies

as a data entry clerk in the Traffic Violations Bureau in 1988, one year after graduating from Goodpasture Christian School. Three years later she was transferred to the Circuit Court Clerk's Office where she would earn the position of chief clerk after ten years of service and earning her bachelor's degree in management and human relations.

She continued to pursue a higher level of education and last December received her Master of Science degree in management.

Cartwright is married and the mother of two daughters.

'It is always a sad day when tradition succumbs to technology....Sigh!'

ders of Protection still are conducted in the open courtroom.

To be sure, while very few attorneys appear regularly in Night Court, there are certain constitutional rights of the accused that cannot be ignored. Tennessee Constitution, Article 1, §§ 9 and 19, requires the media to be allowed to be present, and the public to be present as well, to observe judicial proceedings. Moreover, the accused has a right to see the witness(es) against him or her.

The new system has the capability to permit

the media to "tap in" to record the proceedings. The media now have the same view of the arresting officer and the accused as the Magistrate has on the bench monitor. Film at 6 and 10!

The process is underway as of this writing to secure flat screen monitors to install in the courtroom for the benefit of public viewing of the proceedings from the gallery. Even so, I don't like it. I'm not required to, therefore I don't. It is always a sad day when tradition succumbs to technology. Sigh!

CHEERS...

Teresa Luna, a third-year student at the Nashville School of Law, has been selected to receive the Holly Russell Scholarship for the current academic year.

The scholarship is funded by donations received in honor of the late Ms. Russell, who impacted advancements within the civil court system over many years of service as Assignment Deputy Clerk in the Circuit Court Clerk's Office.

Ms. Luna, a mother of two from Jackson, becomes the second recipient of a \$1,000 scholarship to the law school. Last year's recipient was Marjorie Fann. Her selection was announced by Dean Joe C. Loser, Jr., a former circuit court judge.



TERESA LUNA

Ms. Luna is a graduate of Union University at Jackson and received her master's degree from Memphis State University. She has been a public school teacher for 19 years and was recognized by the White House as Tennessee's Most Distinguished Teacher after serving on Gov. Phil Bredesen's Commission for Education. She decided to pursue a legal career after her two children enrolled in college.

Subscribers to the Circuit Court Clerk's internet CaseLink service are now able to view images of certain documents on file in the General Sessions Civil Division. The same accommodation will soon be available when accessing cases in Circuit and Probate courts. Subscribers need only follow simple on-screen guides to access cases of interest and to see related documents that have been formatted for viewing. Pop-Up blockers must be disabled to allow the documents to be seen. The web site address is www.nashville.gov/circuit.

...TEARS

YOST BORNTRAGER, 34, brother-in-law of deputy General Sessions Civil Division Clerk Jennifer Borntrager, was fatally injured when a vehicle struck his horse-drawn buggy near his Amish community in Carroll County. Mr. Borntrager died on Jan. 7, four days after the accident. He leaves a wife and three children.

MILTON H. SITTON, 73, former Director of Law under the late Mayor Beverly Briley, passed away on Jan. 14 of congestive heart failure. He was married to Ann Bradshaw Sitton, aunt of Probate Master Bob Bradshaw.

COBY PATE, 95, grandmother of Deputy General Sessions Civil Division Clerk Samantha Hutton, passed away on Dec. 31. She resided in Ashland City but was reared and educated in East Nashville.

LEE MILLSAP, longtime information clerk for the Traffic Violations Bureau, succumbed to bad health on Dec. 20. She was a member of the Senior Citizens Association and the Tennessee Alumni Association.

BLANCHE JENKINS, 81, mother of Traffic Violations Bureau Secretary Peggy Griffin, passed away on Jan. 17 at a nursing home in Dyer, Tenn., from complications of a series of strokes.

FRED J. COBB, JR., 78, a retired Metro police officer and former county political candidate, died on Jan. 24. He served on the police force for 30 years.

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(Circuit Court Clerk, 1968-1993)

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



ADA Coordinator, Margaret Larobardiere (862-5204)

2005: Civil Case Year In Review

If you found it difficult to get a parking space for a traffic court appearance last year, there was good reason. They were filled with fellow motorists who helped make up the highest number of moving citations ever in a single calendar year.

With Metro police devoting exceptional attention to the county's road system, errant drivers accounted for a record 420,297 citations, exceeding the previous year's accounting by more than 27,000 and again leading all civil departments in yearly case increase.

Not reflected in the record moving citation total were 49,575 other nullifiable offenses by motorists who were allowed to correct minor infractions to avoid paying fines.

Business in the other civil courts was pretty steady from the previous reporting period, although the number of new case filings in General Sessions Civil Division Court showed an impressive gain of 885 complaints.

Fewer litigants found their way to Circuit Court, encompassing fewer filings in the specific areas of divorce and probate--both considered positive deficits. Of the 3,017 complaints filed for disposition in other Circuit Court matters, more plaintiffs requested jury trials than the year before.

The chart below provides an overview of the year's activities.

Case Count Comparison

CIRCUIT	2004	2005	CHANGE
CIVIL FILINGS:			
Jury	1,336	1,400	+64
Non-Jury	1,744	1,617	-127
TOTAL	3,080	3,017	-63
Concluded:			
Jury	1,824	1,843	+19
Non-Jury	1,465	1,372	-93
TOTAL	3,289	3,215	-74
Divorce Filings	2,540	2,478	-62
Divorce Concluded	2,489	2,352	-137
PROBATE			
New Filings	2,023	1,962	-61
Cases Concluded	1,962	1,895	-57
GENERAL SESSIONS			
New Filings	46,674	47,559	+885
Protection Orders	2,486	3,044	+558
TRAFFIC			
Moving Violations	393,288	420,297	+27,009
Parking Tickets	76,333	64,088	-12,245
Nullifications	39,582	49,575	+9,993

FEBRUARY BIRTHDAYS

Traffic Violations
4 Jessie Woodard
11 Marie Roberts
16 Brent Mathes
21 Rick Kimery
25 Antonio Lanier

BIRTHSTONE:
AMETHYST

Probate Clerk
26 Patty Jack

Circuit Court Clerk
7 Tracy Cartwright
19 Mickey Brissette

General Sessions Civil
25 Diana Reed
27 Tiffany Long

DECEMBER JURY TRIALS

APPEALS

GENERAL SESSIONS

Week of December 5

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-2849	AUTO ACCIDENT	5TH		DEFENDANT			
03C-3522	FRAUD*	2ND		UNDER ADVISEMENT			

*--WAIVED JURY

NON-JURY TRIAL RESULTS

APPEALS

GENERAL SESSIONS

Week of December 12

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-3778	WORKERS COMPENSATION	5TH	UNDER ADVISEMENT			
05C-1632	GSA/DAMAGES	3RD	\$9,921		P-\$802	PLAINTIFF
02C-417	PREMISES LIABILITY	6TH	DEFENDANT			
05C-2837	GSA/AUTO ACCIDENT	3RD	\$2,680		P-\$3,300	DEFENDANT
05C-2702	GSA/CONTRACT	2ND	\$6,850		P-\$6,850	DEFENDANT
05C-2700	GSA/CONTRACT	5TH	DEFENDANT		DISMISSED	PLAINTIFF
03C-2739	WORKERS COMPENSATION	2ND	P-DEATH BENEFITS TO PARENTS			
04C-1847	WORKERS COMPENSATION	1ST	TPD, PPD+\$7,504			
05C-1142	DAMAGES	2ND	\$64,276			
04C-2175	CONTRACT	1ST	\$17,000			
05C-3449	GSA/DETAINDER	2ND	UNDER ADVISEMENT			

P	PLAINTIFF	GSA	GENERAL SESSIONS APPEAL	TPD	TOTAL PARTIAL DISABILITY
D	DEFENDANT	PPD	PERMANENT PARTIAL DISABILITY	ST	SOFT TISSUE

Judge Evans Nominated For Demo Women's Award

General Sessions Judge Sue McKnight Evans has been nominated by the Democratic Women of Davidson County to receive the organization's 2006 ATHENA award.



JUDGE SUE EVANS

Judge Evans will compete with nominees from other area women's organizations for the coveted award, widely considered to be Nashville's highest recognition for achievements of professional women. More than 30 women's organizations from throughout the community work together in organizing the award presentation, an annual Nashville event since 1991.

Judge Evans, a former school teacher, was elected to the bench in 1996 and presided over the 11-division court for one term. She is currently serving a second four-year term on the Court of Judiciary. She was characterized by the nominations body as exemplifying "what women can do through hard work and education."

The award ceremonies will be held on March 30 at the Parthenon in Centennial Park, opening with a reception at 6 p.m.

Birch, Anderson to Retire From State Supreme Court

Tennessee Supreme Court Justices Adolpho A. Birch, Jr. and E. Riley Anderson have announced their retirement from the state's highest court at the end of August.

Both are 73 years old and have long, distinguished careers on the bench at various levels.

Justice Birch, for whom a new Nashville judicial building has been named, was elevated to the Supreme Court in 1993 after serving for nine years as a General Sessions judge, nine years as a Criminal Court judge and six years on the Tennessee Court of Criminal Appeals.

Justice Anderson of Knoxville has been on the high court for 16 years and served four terms as chief justice. He was the first justice to allow media cameras in courtrooms across the state.

In addition to making the court system more open and accessible to the public, Anderson began a program in which justices travel around the state, allowing high school students to observe real cases and ask questions afterward. Additionally, he began the Law School for Journalists Program, a seminar that guides reporters on covering legal issues.

Both Birch and Anderson will step down on Aug. 31, leaving vacancies to be filled by Gov. Phil Bredesen, who selected Justice Cornelia A. Clark to fill an earlier vacancy.

AUTO ACCIDENTS

CASE ANALYSES

PLAINTIFFS 31
DEFENDANTS 16

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-SEPTEMBER	11	8	3	6	5	0
OCTOBER-NOVEMBER	7	6	1	5	0	2
DECEMBER	2	1	1	1	1	0

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	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
OCTOBER	N/A	N/A	N/A
NOVEMBER	84,480	4,090-40,942	13,179
DECEMBER	2,680	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-NOVEMBER	N/A	N/A	N/A
DECEMBER	2,680	N/A	N/A

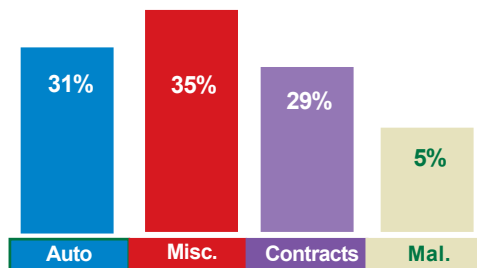
SOFT TISSUE CASES

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
OCTOBER	N/A	N/A	N/A
NOVEMBER	64,541	23,799-40,942	N/A
DECEMBER	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
OCTOBER	N/A	N/A	N/A	N/A
NOVEMBER	4,090	1	0	0
DECEMBER	2,680	1	0	0

Civil Trials By Class



DATA BANK

Statistics compiled for the month of December

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	253
JURY	119
NON-JURY	134
CIVIL CASES CONCLUDED	198
JURY	110
NON-JURY	88
NEW DIVORCE CASES FILED	198
DIVORCE CASES CONCLUDED	128
DOMESTIC PETITIONS FILED	200
DOMESTIC PETITIONS CONCLUDED	209

General Sessions Civil

NEW CASES FILED	4,082
EXECUTIONS ISSUED	2,450
GARNISHMENT PAYMENTS	3,602
JUDGMENTS COLLECTED	\$680,681
ORDER OF PROTECTION PETITIONS	238

Probate Court

NEW CASES FILED	147
CASES CLOSED	127

Traffic Violations

MOVING CITATIONS	27,224
PARKING VIOLATIONS	4,420
TOTAL FINES COLLECTED	\$439,122
NULLIFICATIONS	3,155
NULLIFICATION FEES COLLECTED	\$37,860

MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
61	40	12	9

CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
48	35	4	9

December Cash Awards--\$23,850. Year to Date--\$382,554

MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
7	2	5	0