

# Rooker Report

September 2007

Published by the Davidson County Circuit Court Clerk's Office

Vol.15, No. 8

## State of the Courts



RANDY KENNEDY  
*in retrospect p.4*



GLORIA DUMAS  
*in second term p.4*

### Fishburn Named Presiding Judge

Criminal Court Judge Mark Fishburn has been selected by fellow jurists to serve as presiding judge over the state trial courts for a one-year term.

Fishburn succeeds Circuit Court Judge Randy Kennedy, who oversaw the business affairs of the circuit, chancery and criminal courts for two consecutive terms.

Fishburn's term officially began on September 1. He immediately announced some of the goals he hopes to achieve in the leadership role. His ambitious agenda is outlined on the back cover of this issue.



MARK FISHBURN  
*new presiding judge*

"I am honored and humbled by the vote of confidence my trial court colleagues have shown by electing me as presiding judge. I am committed to continuing the excellent leadership demonstrated by my predecessors and maintaining the high standards of judicial integrity, independence and fairness which has long been the cornerstone of the judiciary for the Twentieth Judicial District."



## DRESS CODES

WHAT NOT TO WEAR ON YOUR DAY IN COURT PAGE 2

### DRESSING FOR COURT: A MATTER OF RESPECT

Concerned about a growing lack of personal pride and respect for courts of law, judges here have begun laying down the law on what will no longer be tolerated in wearing apparel inside their courtrooms.

General Sessions Court judges have established a uniform dress code (see diagram below) setting out prohibitive clothing in their courtrooms with nonconformity bringing about possible case continuation and added inconvenience to litigants. Strict application of the rules may be waived in certain circumstances at the discretion of individual judges.

While the state trial courts (circuit, chancery and criminal) have not adopted a uniform policy at this time, Circuit Judge Barbara Haynes and Criminal Judge Cheryl Blackburn have embraced the dress code policy of the Metro public schools (see list at right) and other judges are said to be in general agreement.

### TRIAL COURT GUIDELINES

*(Uniform Adoption Pending)*

1. Skirts and shorts must reach and extend below the fingertip. No shorts will be allowed.
2. All pants must be worn at waist; no sagging or low riding.
3. Undershirts and tank tops, if worn, must be worn with another "cover-up" shirt. Shoulders, backs, chests and midriiffs must be covered.
4. No see-through type or suggestive clothing is to be worn. Undergarments must not be visible.
5. All shirts, with the exception of sweaters, sweatshirts or vests, must be tucked into pants, skirts or shorts, including athletic jerseys.
6. Appropriate footwear must be worn at all times. No flip-flops or house shoes.
7. Inappropriate head coverings, such as bandanas, scarves, sweatbands, caps or hair nets are not to be worn or seen. Hoods on lightweight garments or sweatshirts may not be pulled over head.
8. Clothing that advertises substances (drugs, alcohol, tobacco products) or language or writing that is otherwise inappropriate or offensive (sex, profanity, racial or ethnic slurs, gang-related attire, etc.) may not be worn. Tattoos that display drugs, sex, alcohol or tobacco products must not be seen at any time.
9. Clothing that is intentionally torn in inappropriate places is prohibited.
10. For security reasons, chains, spiked accessories or oversized jewelry are not permissible.

### GENERAL SESSIONS COURTS

#### DO NOT WEAR LIST

- HALTERS
- T-TOPS
- SEE-THROUGH TOPS
- SHORTS
- EXPOSED MIDRIFF
- EXPOSED UNDERWEAR
- HATS
- OTHER INAPPROPRIATE CLOTHING

## August Trial Verdicts

### Jury

Week of August 13

#### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-2400	PERSONAL INJURY	6		\$235,637			
*07C-434	GSA/AUTO ACCIDENT	5		\$11,000		P-No Award	PLAINTIFF

\*HEARD WITHOUT JURY

Week of August 20

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-1138	MEDICAL MALPRACTICE	5		DEFENDANT			
05C-2454	AUTO ACCIDENT	1		DEFENDANT			

### Non-Jury

Week of August 6

#### CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-681	PERSONAL INJURY	2		\$15,431			
05C-1348	CONTRACT	6		\$151,212			
07C-1060	GSA/CONTRACT	2		\$881.25		P-\$13,791	DEFENDANT
06C-2879	DAMAGES	1		\$25,000			
07C-292	DAMAGES	2		\$13,400			

### Appeals

#### GENERAL SESSIONS

#### GENERAL SESSIONS

## SESSIONS IN REVIEW

FROM  
BACK COVER

Completion of the e-commerce program allowed traffic offenders to register or enroll and pay by credit card from their homes without coming to court. The department now collects an average of \$119,000 per month in credit card sales, wiping out worthless checks and greatly reducing absenteeism.

Traffic School management continues to work closely with ITS in the enhancement of the online interface program, allowing the school to enroll and track students. The ultimate goal for students to self enroll and process payments through the "Link to Gov" software online is a major leap forward and realized under the management of Judge Dumas.

In cooperation with Sheriff Daron Hall, rehabilitation programs co-created by Dumas are now offered to defendants on the General Sessions misdemeanor citation dockets and the future goal is to expand the service to all of the court's criminal dockets.

Under Dumas' leadership, the Probation Department obtained a new drug analyzer with the ability to test for previous alcohol use up to 80 hours. Additionally, the electronic monitoring program will upgrade to satellite monitoring, allowing the Probation Department to maintain an edge in the court's attempts to make the community a safer place for its citizens.

The General Sessions Court's intranet site was enhanced to include the addition of many online forms for the benefit of court personnel.

Judge Dumas also was instrumental in establishing a uniform dress code for the courts, bringing an end to what many judges decried as attire unfitting for courts of law.

## ...Tears

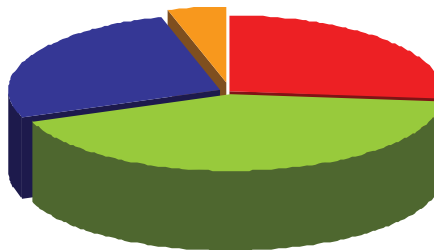
**SADIE JOHNSON**, grandmother of John Manson, an employee of Eighth Circuit Court Judge Carol Soloman, passed away on September 3.

**ELIZABETH "GRANNY" HARRIS**, 89, who retired from the Traffic Violations Bureau in 2003 after 43 years of service, passed away on September 11. She was the grandmother of General Sessions Night Court Commissioner Evan Harris. She would have celebrated her 90th birthday on September 28.

**SHIRLEY PENDLEY**, 81, grandmother of Deputy Circuit Court Clerk Brian Kahrs, passed away on September 13 in her hometown of Atlanta.

All photos in this issue  
by Margaret Larobardiere

## Civil Trial Recap By Class



Miscellaneous	48%
Auto	27%
Contracts	21%
Medical Malpractice	4%



## DATA BANK

August, 2007

### CASE INFORMATION

#### Circuit Court

New Civil Cases Filed	211
Jury	112
Non-Jury	99
Civil Cases Concluded	305
Jury	161
Non-Jury	142
New Divorce Cases Filed	242
Divorce Cases Concluded	211
Domestic Petitions Filed	172
Domestic Petitions Concluded	334

#### General Sessions Civil

New Cases Filed	4,535
Executions Issued	3,257
Garnishment Payments	4,118
Judgments Collected	\$828,512
Orders of Protection Petitions	170

#### Probate Court

New Cases Filed	186
Cases Closed	164

#### Traffic Violations

Moving Citations	13,853
Total Violations	21,124
Parking Violations	5,435
Total Fines Collected	\$642,623
Nullifications	3,258
Nullification Fees Collected	\$39,090
Environmental Citations	1,020
*Credit Card Payments	3,248

\*--Online and phone payments combined

## General Sessions Dockets Now on Clerk's Web Site

General Sessions dockets from July 2, 2007 are now available on our web site.

Here is how to gain access:

Under the list of dockets on the General Sessions "Dockets" tab, there is now an item called "Archives" that can be used to enter a date and select a courtroom. The docket for that day/courtroom will be displayed.

## Case Analyses

GENRE	AUGUST	YTD
<b>AUTO ACCIDENTS</b>	2	26
PLAINTIFF VERDICTS	1	22
DEFENDANT VERDICTS	1	3
NONE	0	1
<b>CONTRACTS</b>	2	21
PLAINTIFF VERDICTS	2	18
DEFENDANT VERDICTS	0	1
NONE	0	2
TOTAL AWARDS	\$152,093	\$271,337
<b>MEDICAL MALPRACTICE</b>	1	4
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	1	3
MISTRIALS	0	1
<b>MISCELLANEOUS</b>	4	47
PLAINTIFF VERDICTS	4	28
DEFENDANT VERDICTS	0	11
NONE	0	8

## Auto Accident Cases

	AUGUST	YTD
JURY TRIALS	2	22
NON-JURY TRIALS	0	4
PLAINTIFF VERDICTS	1	22
DEFENDANT VERDICTS	1	3
NONE	0	1
HIGHEST JUDGMENT	\$11,000	\$80,000
AVERAGE JUDGMENT	N/A	N/A

## Soft Tissue Auto Cases

	AUGUST	YTD
JURY TRIALS	0	6
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	0	5
DEFENDANT VERDICTS	0	0
PENDING	0	0
HIGHEST JUDGMENT	N/A	\$80,000

## General Sessions Auto Appeals

	AUGUST	YTD
PLAINTIFF VERDICTS	1	5
DEFENDANT VERDICTS	0	1
NONE	0	0

## Rooker Report

Published by the Davidson County  
Circuit Court Clerk's Office  
1 Public Square, Suite 302, Nashville, TN 37201  
Internet @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

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# State of the Courts

## RETROSPECT

### Randy Kennedy Reflects On Terms As Presiding Judge



When fellow judges selected Seventh Circuit Court Judge Randy Kennedy to serve as presiding judge over the state trial courts two years ago, the courts were operating from temporary quarters, awaiting completion of new and renovated facilities in the downtown venue.

So, it was no surprise when he was asked to stay on for another term to help orchestrate the relocation process. He accepted and his role in addressing that major assignment proved to be his proudest achievement.

As he turned over the reins to his successor this month, Kennedy reflected on his two years of serving in a leadership role for the three-tier assemblage of judges.

#### ON SERVING AS PRESIDING JUDGE

"I believe that all judges should take that appointment if given the opportunity. It allows you to become knowledgeable about what every court is required to accomplish.

"I would never have had the opportunity to get to know and appreciate the challenges that each judge faces had I not accepted the position of presiding judge.

"I was given the opportunity to become presiding judge at a very challenging time and to oversee important events for the trial courts.

"The most important was the transition from Metro Center to downtown. All 18 judges, their staffs and employees worked collectively with virtually every department in Metro to make the transition to the Birch Building and the Historic Courthouse as smooth and as free from disruption as possible. This was accomplished as well as such an undertaking could have been. I am proud to have served during that move."

#### ON CASE MANAGEMENT

"Another important accomplishment was the completion of a weighted case study in which every trial judge participated.

"Throughout the state, approximately every 10 years, the Tennessee Judicial Conference and the Administrative Office of the Courts try to make an assessment of the volume of activity and the number of judges who are allocated to take care of that activity. This allows us to find out whether or not we have enough judges to meet the demands of our civil and criminal justice systems.

"There are over 150 trial judges throughout the state. Historically, not all participate in weighted case load studies. But in 2007, all 18 of our local judges participated. Consequently, we are confident that we have provided an accurate picture to the AOC that reflects that each of our trial judges is providing for the fair and efficient administration of justice."

Kennedy also praised State Trial Court Administrator Larry Stephenson for his help in coordinating the relocation and his guidance in developing a budget to embrace all the needs of the courts.

## AGENDA

### Fishburn's Goals For Trial Courts



Immediately upon being selected to serve as presiding judge over the state trial courts, Criminal Court Judge Mark Fishburn announced an ambitious agenda of goals he hopes to achieve during his first term at the helm.

"First, I pray that I can continue the effective leadership that my predecessors demonstrated during the long and arduous task of building and renovating the courthouse," he said.

Fishburn said he would "begin immediately to establish and maintain a strong working relationship with the new mayor, vice mayor and council."

"I will be working closely with the staff of the Tennessee Supreme Court to organize and assist them in implementing the S.C.A.L.E.S. program in Davidson County," he added. "This is a program where the supreme court brings its proceedings into the community so that students are given the opportunity to see and better learn the workings of our courts. In addition to seeing the actual proceedings...the students are provided a forum afterwards for questions and answers."

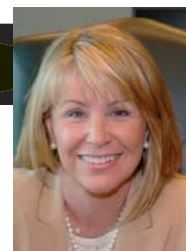
Fishburn said that, in a broader context, he would look for ways to make the courts more accessible to the public in general.

His penchant for accomplishing goals was accentuated in 2000 when, as a General Sessions judge, he initiated the highly praised Mental Health Court, now in its seventh year of operation.

Fishburn said he would quickly address two projects on the criminal side of the agenda. "One is the growing number of pending DUI trials," he said. "Since these cases are considered low priority, they usually are continued on the trial date in favor of trials of higher priority." His goal, he said, will be to remedy the situation and bring about speedier resolution.

Secondly, he said he would work with the Administrative Office of the Courts, CJIS and other affected parties to create computerized judgment forms to replace the manual forms currently being used.

## ON COURSE



Judge Gloria Dumas enters her second term as presiding judge of the General Sessions Court with a commitment to continued proficiency in all areas of the multifaceted "Court of First Resort."

Having successfully managed business operations during the court's first year of transition in new quarters, Dumas looks to maintaining a steady course while working out any wrinkles to improve functionality.

During her initial year at the helm, she facilitated the updating of the court's criminal and civil rules, completed e-commerce capability for traffic school enrollment and fee collections, helped create rehabilitation programs for misdemeanor defendants, and upgraded drug and alcohol monitoring equipment.