

Rooker Report

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Governor Appoints Chancellor Dinkins to Court of Appeals

Kurtz Leaving Circuit Bench To Become Senior Judge

He has served as a Circuit Court judge for 25 years, but come March 21, Walter Kurtz will step down to become a senior judge, a position he will share with four other judges in the state.

Kurtz, who was first elected to the Circuit bench in 1982 following a four-year term as Davidson County Public Defender, said he applied for and was offered the senior judge position by State Supreme Court Chief Justice William Barker.

"I will miss my service as Fifth Circuit Court judge, but I am looking forward to a four-year term as a senior judge," Kurtz said in a letter to Gov. Phil Bredesen in announcing his retirement.

The governor must appoint a replacement to fill Kurtz's Circuit seat until the next general election in August. His full term does not expire until 2014.



The announcement of Kurtz's impending departure came shortly after another Davidson County jurist, Chancellor Richard Dinkins (left), was appointed by Bredesen to fill a vacancy on the Tennessee Court of Appeals. (See story, Page 2)

Justice Barker said Kurtz will be missed as a trial court judge, but will continue to serve Tennesseans in his new position. Senior judges, he explained, are former trial and appellate court judges who may be assigned on a temporary basis to any state court.



"He is as well respected as any judge in the state, and for good reason," Barker said. "My colleagues on the Supreme Court and I are pleased that he has agreed to become a senior judge."

Kurtz is 64 years old and is married to Davidson County Chancellor Ellen Hobbs Lyle.

"I wish to express my appreciation to the people of Davidson County who have elected me four times as judge and one term prior to my judgeship as public defender," Kurtz said in his letter to the governor. "I am thankful to them for the trust they have placed in me since 1978."



Dinkins On Appeals Court

After being appointed this month to the Tennessee Court of Appeals, Davidson County Chancellor Richard Dinkins finds himself in a temporary dual role.

Dinkins will continue to serve as designated special judge of the Division IV Chancery Court through March 14 to complete work on pending cases over which he presides.

Gov. Phil Bredesen selected Dinkins to fill a vacancy on the appellate court created by the September death of Judge William Bryan Cain. His appointment was effective immediately, leaving the governor with two Davidson County judicial seats to fill, including that of Fifth Circuit Court.

Dinkins, who was appointed by the governor in 2003 to a newly created Chancery Court seat, won election in 2006 to an eight-year term. His elevation to the appellate court will give Bredesen's new appointment the Chancery seat until the next general election in August when he or she must be approved by the voters.

Please turn to Page 4

JANUARY RETIREMENTS



TOP PHOTO: Circuit Court Clerk Richard Rooker congratulates Patsy Jackson upon her January 18 retirement as Environmental Court deputy clerk. Mrs. Jackson, who worked in the Traffic Violations Bureau most of her 20-year career, said she hopes to do something in the education field during her retirement. She is a former school teacher. Husband John has been retired from the Davidson County Sheriff's Department for eight years.

BOTTOM PHOTO: General Sessions Judge Leon Ruben reads from certificate of appreciation, given to longtime administrative assistant Becky Hahn (right) during her retirement ceremonies on January 11. Mrs. Hahn's public service career spanned 37 years, including 13 years with the Traffic Violations Bureau, 7 years as secretary to the late General Sessions Judge Robert Murphy and 17 years as Ruben's assistant. She and husband Ray Hahn, a retired Metro detective, plan to travel extensively.



Deadline Set for Hearing Probate Matters

Judge Kennedy Wants Better Management of Dockets

Seventh Circuit Court Judge Randy Kennedy has announced a cut-off deadline for placing non-motion matters on the court's daily docket agenda.

The change, designed to eliminate or dramatically reduce the number of "add-on" cases to the dockets, requires parties to file and set their probate matters a week in advance.

"In other words, at the close of business each Wednesday, the dockets for the following week should be 'shut down' and no additional matters should be added," the judge advised the court clerk.

The deadline rule does not apply to the Friday motion dockets, the judge said.

Kennedy said the new cut-off deadline will allow the clerk more time to prepare dockets and "alleviate the Court from having to write additional matters onto its docket.

"Furthermore," said Kennedy, "this should alleviate confusion among the lawyers and parties as to whether their case is to be heard" and to "allow the Court to be better prepared upon taking the bench."

Emergency matters that are not docketed within the time frame can be added to the docket, Kennedy said, but only with the express approval of the Court.



Chief Probate Court Clerk Kyle Sowell provided an overview of how the docket system works:

"At present, the Davidson County Probate Court generally holds a regular docket call each Wednesday and Thursday at 10 a.m. before Judge Kennedy. These weekly regular dockets are intended for all non-motion probate matters which are not otherwise specially set by the Court.

"In the past, the Probate Court has been lenient in allowing certain matters to be docketed and heard, even if filed within a few days of the hearing date.

"However, in an effort to allow the clerk's office and the judge's office to prepare for the regular dockets, effective immediately, any matter which needs to be heard

on the regular docket must be filed and docketed by the close of business on Wednesday of the preceding week.

"In other words, at the close of business each Wednesday, the regular probate dockets for the following week will be shut down and no additional matters will be added to the docket unless it is an emergency or urgent matter and prior express approval is obtained directly from Judge Kennedy's office.

"Attorneys and parties, therefore, are encouraged to keep this in mind when contacting the Clerk's office in advance for a list of available dates. For, if the matter is not received and docketed by the Clerk by the deadline, it will be necessary to obtain approval from the Court before the matter can be set and heard on the intended date."

How the docket system works

December Trial Verdicts

Jury

Week of December 3

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
04C-2121	MEDICAL MALPRACTICE	6		DEFENDANT	

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
01C-3351	AUTO ACCIDENT/ST	1	\$75,000	\$44,750	
04C-986	AUTO ACCIDENT/ST	2	\$25,000	DEFENDANT	

Week of December 10

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT
05C-3819	NEGLIGENCE	1		DEFENDANT	

Appeals

GENERAL SESSIONS

JUDGMENT APPELLANT

Dinkins Gets Appeals Court Appointment

(From Page 2)

In announcing his selection of Dinkins for the appeals court opening, Bredesen said, "Richard Dinkins has developed extensive experience in his career with the Davidson County Chancery Court and in the private sector, and I am confident that he will serve the Tennessee Court of Appeals with honor and integrity. I am pleased to appoint Chancellor Dinkins to this seat and I appreciate his willingness to serve in this position."

Dinkins is a 1977 graduate of Vanderbilt University Law School and later joined the late Avon Williams Jr., to form the law firm of Williams and Dinkins. From 1999-2003, he served as a member of the Dodson, Parker, Dinkins and Behm firm, during which time he was counsel to the Metropolitan Development and Housing Agency and Fisk University.

"It is an honor and a privilege to be appointed by Governor Bredesen to serve the state as a member of the Tennessee Court of Appeals," Dinkins said. "I have devoted my career to securing equal justice under the law for all segments of society. It is an honor to follow in the footsteps of my predecessor, Judge Cain, and I look forward to continuing my career in public service in this new role."

Dinkins is the father of four children.

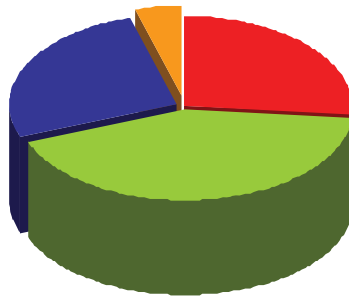
...Tears

JOHN L. FORD, JR., 93, father-in-law of Traffic Violations Project Manager **Sandra Ford**, passed away on November 2 at a Nashville nursing home where he was under hospice care. He is survived by his son, **John L. Ford, III**, an employee of the Davidson County Sheriff's Department.

ELIZABETH WILSON SLATE, 90, mother of Traffic School Director John Slate and mother-in-law of former Traffic Violations Bureau deputy clerk Vicki Slate, passed away on January 15.

VICTOR S. JOHNSON, JR., 91, father of Davidson County District Attorney General Victor (Torry) Johnson, passed away on January 19. He was Chairman and Director Emeritus of Aladdin Industries prior to his retirement in 1985 and was a key developer of the Metro Center Business Park.

Civil Trial Recap By Class



Miscellaneous.....48%
 Auto24%
 Contracts.....24%
 Medical Malpractice.....4%



DATA BANK December 2007

CASE INFORMATION

Circuit Court

New Civil Cases Filed.....	167
Jury.....	94
Non-Jury.....	73
Civil Cases Concluded.....	182
Jury.....	107
Non-Jury.....	75
New Divorce Cases Filed.....	143
Divorce Cases Concluded.....	182
Domestic Petitions Filed.....	187
Domestic Petitions Concluded.....	187

General Sessions Civil

New Cases Filed.....	3,096
Executions Issued.....	3,065
Garnishment Payments.....	3,591
Judgments Collected.....	\$746,404
Orders of Protection Petitions.....	134

Probate Court

New Cases Filed.....	146
Cases Closed.....	144

Traffic Violations

Moving Citations.....	9,703
Total Violations.....	15,395
Parking Violations.....	4,182
Total Fines Collected.....	\$452,261
Nullifications.....	2,167
Nullification Fees Collected.....	\$26,003
Environmental Citations.....	408
*Credit Card Payments.....	2,646

*--Online and phone payments combined

In February

The Rooker Report kicks off its 16th year as an uninterrupted monthly publication.

Pick up our 15th Anniversary issue at any one of our clerk's offices or access it on our web site.

Case Analyses

GENRE	DECEMBER	YTD
AUTO ACCIDENTS	2	34
PLAINTIFF VERDICTS	1	27
DEFENDANT VERDICTS	1	6
NONE	0	1
CONTRACTS	0	33
PLAINTIFF VERDICTS	0	25
DEFENDANT VERDICTS	0	6
NONE	0	2
TOTAL AWARDS	N/A	\$349,137
MEDICAL MALPRACTICE	1	5
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	1	4
MISTRIALS	0	1
MISCELLANEOUS	1	68
PLAINTIFF VERDICTS	0	38
DEFENDANT VERDICTS	1	19
NONE	0	11

Auto Accident Cases

	DECEMBER	YTD
JURY TRIALS	2	28
NON-JURY TRIALS	0	6
PLAINTIFF VERDICTS	1	27
DEFENDANT VERDICTS	1	6
NONE	0	1
HIGHEST JUDGMENT	\$44,750	\$150,000
AVERAGE JUDGMENT	N/A	N/A

Soft Tissue Auto Cases

	DECEMBER	YTD
JURY TRIALS	2	9
NON-JURY TRIALS	0	1
PLAINTIFF VERDICTS	1	7
DEFENDANT VERDICTS	1	2

General Sessions Auto Appeals

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

Rooker Report

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If you have a disability and require assistance, please contact 862-5204