

*15th Anniversary Issue*

# Rooker Report

February 2008

Published by the Davidson County Circuit Court Clerk's Office

Vol. 16, No. 1

## Reception to Honor Retiring Judge Kurtz

If Walter Kurtz thought he would ride quietly into the sunset of retirement from his quarter-of-a-century service to the Fifth Circuit Court, he was wrong.

Six days after he trades his courthouse chambers on the fifth floor for a seventh-floor office as the state's newest senior judge, Kurtz will be feted by those who hold him in high esteem.

Family, friends, fellow judges, government officials, attorneys and the general public will pack the second floor mezzanine on March 27 to honor the popular judge's service and to wish him well in his chosen new judicial role.

The party begins at 4:30 p.m., according to Attorney Margaret Behm, who is organizing the celebration.



Walter Kurtz photos by Margaret Larobardiere

## The Kurtz Years: Pursuit of Change

Before becoming a judge in 1982, Walter Kurtz played a key role in bringing about change within the local legal community. Read about his pursuits and accomplishments on Page 2.

## Kicking Off Our 16th Year in Publication

As we begin our 16th year as a monthly publication, we do so with humble gratitude to the many faithful readers who have supported our efforts in providing information relevant to civil court activities in Davidson County.

Since our debut issue in February 1993, our goal has been to produce a quality newsletter focusing on matters within the system that are beneficial to the legal community and the general public. Through advanced technology, we have grown from a simple black and white, single sheet handout to the full-color, clear definition offering you are now reading.

Produced entirely in-house, the report is circulated to judicial and various governmental departments, through countertop displays in each of the Circuit Court Clerk's offices and on the clerk's internet web site ([www.nashville.gov/circuit](http://www.nashville.gov/circuit)) where back

issues also are accessible for downloading.

Each month, readers are given a statistical overview of specific activities generated by the Circuit Court Clerk's four departments the previous month, including new case filings, trial outcomes and breakdowns on specific case types. Important legal issues, such as new laws and rule changes, are published in story form, as well as feature articles on newsworthy individuals.

If you are calculating, there have been 180 prior issues, meaning that the report has completed its 15-year history without interruption. We pledge to keep that string intact and to do so with pertinent, non-controversial information evolving from the civil courts and the people who play key roles in those events. We welcome your patronage.

# Walter Kurtz: The Man Behind the Gavel

“Everybody keeps telling me they are going to miss me,” chuckles Walter Kurtz as he prepares for his March 21 departure from the Fifth Circuit judgeship he has held for more than 25 years.

“I’m not going anywhere. I’ll still be here in the courthouse, just on a different floor.”

His reference is to the seventh floor office that will be provided as a base of operations during his four-year appointment as a senior judge. His sentimental attachment to the courtroom chambers he has occupied throughout his judgeship (except for the three years of displacement during the courthouse renovation project) is erased by the excitement of a new challenge.

As a senior judge, Kurtz anticipates a busy schedule of hearing cases throughout the state assigned to him by the Administrative Office of the Courts. The current workload is being shared by four senior judges. Kurtz, who ironically becomes the fifth, will be the only senior judge from Nashville.

Because of his extensive background in both criminal and civil law, Kurtz is well equipped to preside over the variety of cases that await him. It’s variety, he says, that makes his job interesting. He has welcomed it throughout a career that has produced positive change at both ends of the spectrum.

Kurtz spent his childhood in Elmira, New York, the son of a General Electric engineer. Following high school graduation in 1961, he enrolled at The Citadel, a military college that would prepare him for a 38-month stint in the Army shortly after receiving his diploma. From 1966-69, he served in an armored cavalry squadron with the First Infantry Division in Vietnam.

Choosing to pursue a legal career, he would later receive his law degree from the Vanderbilt School of Law. His interest in providing legal representation to the financially challenged landed him a job with Legal Aid Services of Nashville where he excelled and, after one year, became its director from 1973-1976.

Kurtz would spend the next two years as a teacher at the University of Tennessee Law School, but his strong interest in legal aid led him into the political arena and positioned him to effect positive change in an area he felt was being slighted. His election to a four-year term as Davidson County Public Defender in 1978 allowed him to address shortcomings of that office and to raise it to the professional level it now enjoys.

Having made his mark on defending the county’s poor, Kurtz was ready to tackle a new area in which to ply his leadership abilities. The opportunity



presented itself when Fifth Circuit Court Judge Stephen North announced that he would not seek reelection in 1982. After his many years of service at the criminal level, why would Kurtz now want to change gears?

“It just seemed like an interesting challenge,” he said. “It suited my personality and it sounded like an interesting job.” The voters agreed, not once but four times.

Since Circuit and Criminal judges have concurrent jurisdiction, Kurtz was a natural choice to preside over the majority of overflow cases from Criminal Court. So, during a nine-year period from 1984-1993 when there were only three divisions of Criminal Court, Kurtz heard nothing but criminal cases--eight of them death penalty cases that produced five convictions.

At the age of 64, Kurtz calls himself a “motivated senior” who is not interested in retirement, just a change of pace. He still enjoys playing tennis as a form of exercise “without getting bored,” but claims no degree of proficiency in the sport. In school, he says, “I was on the freshman team. I wasn’t good enough to play on the varsity.”

He denies that his 6-foot-4 frame has any intimidation powers over his wife of 12 years, Ellen Hobbs Lyle, whom he met in 1995 when she became a Davidson County Chancellor. The couple blended judicial conversations with romance for a year before tying the knot. He claims that being married to another judge works out well. “She makes the rulings and I follow them,” he smiled.

Kurtz has two sons and one daughter by previous marriage. Four of his eight grandchildren (the oldest is 10) live in Atlanta and the other four reside in Washington state.

## Fifth Circuit Court Legend

Walter Kurtz is only the third elected judge to serve the court since its creation in 1963, following Sam L. Felts Jr. (63-74) and Stephen North (74-82), although Attorney Rose Cantrell served briefly prior to the 1982 election of Kurtz (1982-2008.) Gov. Phil Bredesen must appoint a replacement for Kurtz to serve until the next General Election in August. The current term does not expire until 2014.

## January Trial Verdicts

### Appeals

#### GENERAL SESSIONS

### Jury

#### CIRCUIT COURT

##### Week of January 7

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-678	*WORKERS COMPENSATION	6		\$848,777			
06C-3084	*GSA/PERSONAL PROPERTY	2		DISMISSED		DISMISSED	PLAINTIFF

\*--WAIVED JURY

##### Week of January 14

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-2289	SLIP/FALL	1		PENDING			
07C-1099	CONTRACT	2		D-\$18,200			
06C-1720	*ASSAULT	6		\$43,309			
06C-1892	UNLAWFUL ARREST	5		DEFENDANT			

\*-WAIVED JURY

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
06C-651	AUTO ACCIDENT/ST	2	\$70,000	\$8,919			

### Non-Jury

#### CIRCUIT COURT

##### Week of January 28

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-3241	NEGLIGENCE	2		P-DEFAULT			
07C-2492	GSA/DETAINER	2		P-DEFAULT		P-POSSESSION	DEFENDANT
07C-2042	TRAFFIC	2		PLAINTIFF			
07C-2277	GSA/DEBT	2		\$2,100		P-\$10,600	DEFENDANT
06C-1731	DECLARATORY	6		D-\$1,251			
07C-1255	TRAFFIC	6		PLAINTIFF			
07C-2081	GSA/CONTRACT	6		DEFENDANT		P-\$25,000	DEFENDANT
07C-1579	GSA/CONTRACT	6		DEFENDANT		P-\$15,000	DEFENDANT
06C-1503	DAMAGES	6		D-\$10,000			
07C-1576	GSA/DEBT	5		\$9,887		DISMISSED	DEFENDANT
07C-1085	DAMAGES	6		D-\$3,050			
06C-3368	DAMAGES	1		\$10,000			

## Daylight Saving Time Arrives on March 9



Relief from those high winter electric bills is just around the corner.

Daylight Saving Time arrives at 2 a.m. on Sunday, March 9.

It is the second year of the Energy Policy Act signed into law by President George W. Bush in 2005 to gauge the impact of three extra weeks of daylight in the Spring and an additional week in the Fall.

Prior to 2007, DST did not begin until the first Sunday of April and ended the last Sunday in October.

While Congress retains the right to resume the former schedule once the Department of Energy study is complete, energy saving

reports have been favorable.

Energy use and the demand for electricity for lighting our homes is directly connected to when we go to bed and when we get up. When we go to bed, we turn off the lights and television sets.

In the average home, 25 percent of all electricity used is for lighting and small appliances--all of which are most commonly used during evening hours when families are at home. By moving the clock ahead one hour, the amount of electricity consumed is reduced. While the amounts of energy saved per household are small, added up they can be very large.

Another popular "bonus" is longer periods of sunshine that extend outdoor activities later in the evening.

Just remember, the time change does not constitute an excuse for being late for Sunday morning activities, unless you forgot to change your clock last fall.

In that case, don't bother. You are set to go.

### Cheers...

## Dr. Peggy Reynolds To Retire From DUI School Post in April

Dr. Peggy Reynolds, who helped garner multiple national awards for the General Sessions Court's traffic education program, will retire on April 1 after 20 years of service.



Dr. Reynolds

Dr. Reynolds is leaving as director of the Court's DUI School, which became a separate entity from the Traffic School in 2005. Before the two

programs were divided, she oversaw both programs. Under her direction, the driver safety program became a perennial recipient of National Safety Council awards in defensive driving and first-offender categories.

Her decision to take early retirement, she said, was to relocate to Florida to be with her husband of six months, Paul Prince, a Delta Airlines employee. The couple were married on August 25.

Dr. Reynolds is a Florida native.

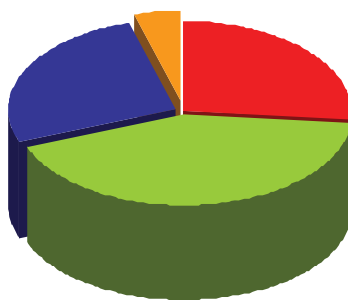
"I am proud of the difference we (traffic safety program) have made in the lives of so many over the years," she said.

Her successor has not been named.

### ...Tears

**CAROL HARSHAW**, mother of Gay Rooker, who is the wife of Circuit Court Clerk Richard Rooker, and grandmother of Ashley Gerald, an employee of the Traffic Violations Bureau, passed away on February 5.

### Civil Trial Recap By Class



Miscellaneous.....79%  
 Auto .....5%  
 Contracts.....16%  
 Medical Malpractice.....0%



### DATA BANK

January 2008

#### CASE INFORMATION

Circuit Court	
New Civil Cases Filed.....	178
Jury.....	93
Non-Jury.....	85
Civil Cases Concluded.....	244
Jury.....	158
Non-Jury.....	86
New Divorce Cases Filed.....	198
Divorce Cases Concluded.....	238
Domestic Petitions Filed.....	177
Domestic Petitions Concluded.....	255

#### General Sessions Civil

New Cases Filed.....	4,732
Executions Issued.....	4,456
Garnishment Payments.....	4,299
Judgments Collected.....	\$858,905
Orders of Protection Petitions.....	157

#### Probate Court

New Cases Filed.....	195
Cases Closed.....	161

#### Traffic Violations

Moving Citations.....	12,567
Total Violations.....	19,514
Parking Violations.....	5,318
Total Fines Collected.....	\$659,949
Nullifications.....	23,088
Nullification Fees Collected.....	\$37,050
Environmental Citations.....	597
*Credit Card Payments.....	3,260

\*--Online and phone payments combined

### March 21 is Good Friday; Offices Will be Closed

All court-related offices, including those of the Circuit Court Clerk, will be closed on March 21 in observance of Good Friday.

Regular offices hours will resume on Monday, March 24.

### Case Analyses

GENRE	JANUARY	YTD
<b>AUTO ACCIDENTS</b>	1	1
PLAINTIFF VERDICTS	1	1
DEFENDANT VERDICTS	0	0
NONE	0	0
<b>CONTRACTS</b>	3	3
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	3	3
NONE	0	0
<b>TOTAL AWARDS</b>	<b>\$18,200</b>	<b>\$18,200</b>
<b>MEDICAL MALPRACTICE</b>	0	0
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	0	0
MISTRIALS	0	0
<b>MISCELLANEOUS</b>	15	15
PLAINTIFF VERDICTS	9	9
DEFENDANT VERDICTS	5	5
NONE	1	1

### Auto Accident Cases

	JANUARY	YTD
<b>JURY TRIALS</b>	1	1
<b>NON-JURY TRIALS</b>	0	0
<b>PLAINTIFF VERDICTS</b>	1	1
<b>DEFENDANT VERDICTS</b>	0	0
<b>NONE</b>	0	0
<b>HIGHEST JUDGMENT</b>	<b>\$8,919</b>	<b>\$8,919</b>
<b>AVERAGE JUDGMENT</b>	<b>N/A</b>	<b>N/A</b>

### Soft Tissue Auto Cases

	JANUARY	YTD
<b>JURY TRIALS</b>	1	1
<b>NON-JURY TRIALS</b>	0	0
<b>PLAINTIFF VERDICTS</b>	1	1
<b>DEFENDANT VERDICTS</b>	0	0

### General Sessions Auto Appeals

	JANUARY	YTD
<b>PLAINTIFF VERDICTS</b>	0	0
<b>DEFENDANT VERDICTS</b>	0	0
<b>NONE</b>	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

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